



# भारत का राजपत्र The Gazette of India

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NEW DELHI, SATURDAY, OCTOBER 12, 1985/ASVINA 20, 1907

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह मूल संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

## भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-section (II)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India (other than the  
Ministry of Defence)

विधि और न्याय मंत्रालय

MINISTRY OF LAW AND JUSTICE

(विधि कार्य विभाग)

(Department of Legal Affairs)

New Delhi, the 24th September, 1985

नई दिल्ली, 24 सितम्बर, 1985

NOTICE

सूचना

का. आ. 4740.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री जगदीश प्रसाद माथुर, एडवोकेट, जयपुर (राजस्थान), ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधिन एक आवेदन इस बात के लिए दिया जा रहा है कि उसे जयपुर व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

S.O. 4740.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Jagdish Prasad Mathur, Advocate, Jaipur (Rajasthan), for appointment as a Notary to practise in Jaipur.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

S. GOOPTU, Competent Authority

कार्मिक और प्रशिक्षण, प्रशासनिक सुधार  
और लोक शिकायत तथा पेंशन मंत्रालय  
(कार्मिक और प्रशिक्षण विभाग)

आदेश

नई दिल्ली, 23 सितम्बर, 1985

2. उक्त व्यक्ति को नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

का. आ. 4741.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस  
स्थापन अधिनियम, 1945 (1945 का 25) की धारा 6  
के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त

[सं. 5(14)/85-न्या.]

एस. गुप्ता, सक्षम प्राधिकारी

शक्तियों का प्रयोग करते हुए, और भारत सरकार के गृह मंत्रालय/मंत्रिमंडल सचिवालय के आदेश सं. 25/9/65-ए.वी.डी., तारीख 6-8-1966; 228/4/72-ए.वी.डी.-II तारीख 18-5-1972; 228/4/72-ए.वी.डी.-II तारीख 21-7-1972; 228/3/71-ए.वी.डी.-II, तारीख 9-1-1973 को, जहाँ तक उनका संबंध भारतीय पासपोर्ट अधिनियम, 1920 (1920 का 34) की धारा 3 की उप-धारा (3) के साथ पठित, भारतीय पासपोर्ट नियम, 1950 के नियम 6 के अधीन दण्डनीय अपराधों से है, उन बातों के सिवाय अधिकृत करते हुए, जिन्हें ऐसे अधिक्रमण से पहले किया गया है या करने का लोप किया गया है, संबंधित राज्यों की सरकारों की सहमति से पासपोर्ट (भारत में प्रवेश) अधिनियम, 1920 (1920 का 34) की धारा 3 की उप-धारा (3) के साथ पठित पासपोर्ट (भारत में प्रवेश) नियम, 1950 के नियम 6 के अधीन दण्डनीय अपराधों के और उक्त अपराधों के संबंध में या उनसे संबंधित प्रयत्नों, दुष्प्रेरणों और पद्धतियों के तथा वैसे ही तथ्यों से उत्पन्न जैसे ही संव्यवहार के अनुक्रम में किए गए किसी अन्य अपराध के अन्वेषण के लिए, दिल्ली विशेष पुलिस स्थापन के सदस्यों को शक्तियों और अधिकारिता का विस्तारण सम्पूर्ण आंध्र प्रदेश, असम, बिहार, गुजरात, केरल, मध्य प्रदेश, महाराष्ट्र, कर्नाटक, नागालैंड, उड़ीसा, पंजाब, हरियाणा, राजस्थान, उत्तर प्रदेश, पश्चिमी बंगाल, त्रिपुरा, मणिपुर, हिमाचल प्रदेश और मेघालय राज्यों पर करता है।

[संख्या 228/8/79-ए.वी.डी.-II]

MINISTRY OF PERSONNEL & TRAINING, ADMN.  
REFORMS AND PUBLIC GRIEVANCES & PENSION  
(Department of Personnel & Training)

#### ORDER

New Delhi, the 23rd September, 1985

S.O. 4741.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946) and in supersession of the Orders of the Government of India in the Ministry of Home Affairs[Cabinet Secretariat Nos. 25/4/64-AVD, dated 6-8-1966; 228/4/72-AVD. II, dated 18-5-1972; 228/4/72-AVD. II, dated 21-7-1972; 228/3/71-AVD. II, dated 9-1-1973, insofar as they relate to the offences punishable under rule 6 of the Indian Passport Rules, 1950, read with sub-section (3) of section 3 of the Indian Passport Act, 1920 (34 of 1920), except as respects things done or committed to have been done before such supersession, the Central Government with the consent of the Governments of the respective States hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the States of Andhra Pradesh, Assam, Bihar, Gujarat, Kerala, Madhya Pradesh, Maharashtra, Karnataka, Nagaland, Orissa, Punjab, Haryana, Rajasthan, Uttar Pradesh, West Bengal, Tripura, Manipur, Himachal Pradesh and Meghalaya for the investigation of offences punishable under rule 6 of the Passport (Entry into India) Rules, 1950 read with sub-section (3) of section 3 of the Passport (Entry into India) Act, 1920 (34 of 1920), and attempts, abetments and conspiracies in relation to or in connection with the said offences and any other offences committed in the course of the same transaction arising out of the same facts.

[No. 228/8/79-AVD. II]

#### आदेश

नई दिल्ली, 24 सितम्बर, 1985

का. आ. 4742:—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पठित, धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री छोटे लाल की हत्या और श्री नेत्रपाल सिंह तथा अन्य की हत्या के प्रयत्न से संबंधित अपराध मामला सं. 1984 का 28, पुलिस थाना कुर्रा, जिला मैनपुरी की बाबत भारतीय दण्ड संहिता, 1860 (1860 का 45) की धारा 147, 148, 149, 307 और 302 के अधीन दण्डनीय अपराधों और उक्त अपराधों और उन्हीं तथ्यों से उत्पन्न होने वाले वैसे ही संव्यवहार के अनुक्रम में किए गए किसी अन्य अपराध, के संबंध में या उनसे संशक्त प्रयत्नों, दुष्प्रेरणों और पद्धतियों के अन्वेषण के लिए, उत्तर प्रदेश सरकार की सहमति से, दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तारण सम्पूर्ण उत्तर प्रदेश राज्य पर करती है।

[सं. 228/10/84-ए.वी.डी.-II]

#### ORDER

New Delhi, the 24th September, 1985

S.O. 4742.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the Government of Uttar Pradesh, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Uttar Pradesh for the investigation of offences punishable under sections 147, 148, 149, 307 and 302 of the Indian Penal Code, 1860 (45 of 1860) and attempts abetments and conspiracies in relation to or in connection with the said offences and any other offences committed in the course of the same transaction arising out of the same facts, in regard to the case Crime No. 28 of 1984 of P. S. Kurrah, District Mainpuri relating to murder of Shri Chotte Lal and attempting the murder of Shri Netrapal Singh and others.

[No. 228/10/84-AVD.II]

नई दिल्ली, 27 सितम्बर, 1985

का. आ. 4743:—केन्द्रीय सरकार, दण्ड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के भूतपूर्व गृह मंत्रालय, कामिक और प्रशासनिक सुधार विभाग की अधिसूचना सं. का. आ. 1453 तारीख 18 अप्रैल, 1984 को अधिकृत करते हुए, श्री के. बी. रमणगड, अधिवक्ता, आंध्र प्रदेश उच्च न्यायालय, हैदराबाद को आन्ध्र प्रदेश उच्च न्यायालय, हैदराबाद में दिल्ली विशेष

पुलिस स्थापन द्वारा संस्थित मामलों में उद्भूत अपीलों और और अन्य मामलों में उपसंगत होने तथा उनका संवादन करने के लिए विशेष लोक अभियोजन नियुक्त करती है।

[संख्या 225/3/85-ए. वी. डी. II]

ए. ए. प्रसाद, अवर सचिव

New Delhi, the 27th September, 1985

S.O. 4743.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), and in supersession of the Notification of the Government of India in the erstwhile Ministry of Home Affairs, Department of Personnel and Administrative Reforms No. S.O. 1453, dated the 18th April, 1984, the Central Government hereby appoints Shri K. V. Ramana Rao, Advocate, Andhra Pradesh High Court, Hyderabad, as Special Public Prosecutor to appear and conduct appeals and other matters arising out of the cases instituted by the Delhi Special Police Establishment in the Andhra Pradesh High Court at Hyderabad.

[No. 225/3/85-AVD.II]

M. S. PRASAD, Under Secy.

(पेंशन और पेंशन भोगी कल्याण विभाग)

नई दिल्ली, 24 सितम्बर, 1985

का. आ. 4744.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, साधारण भविष्य निधि (केन्द्रीय सेवा) नियम, 1960 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम साधारण भविष्य निधि (केन्द्रीय सेवा) तीसरा संशोधन नियम, 1985 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. साधारण भविष्य निधि (केन्द्रीय सेवा) नियम, 1960 में, पांचवां अनुसूची के पैरा 2 में, अन्त में, किन्तु पहले परन्तुक से पूर्व निम्नलिखित प्रविष्टि अन्तःस्थापित की जाएगी, अर्थात् :—

“समूह ‘ग’, ‘घ’ कर्मचारियों की बायत, स्वास्थ्य और परिवार कल्याण मंत्रालय की केन्द्रीय सरकार स्वास्थ्य स्कीम को फोल्ड एककों में, मुख्य चिकित्सा अधिकारियों और उप निदेशक।”

[संख्या 13(2)-पेंशन एकक/85]

द्वारा सिंह, उप सचिव

टिप्पणी :—साधारण भविष्य निधि (केन्द्रीय सेवा) नियम 1960 का.आ.सं. 3000 तारीख 1-12-60 के रूप में प्रकाशित किए गए थे। इन नियमों का तीसरा पुनः मुद्रण (30-11-1978) 1979

में मुद्रित किया गया था। तत्पश्चात् नियमों में नीचे उल्लिखित अधिसूचनाओं द्वारा संशोधन किए गए थे :—

1. एफ 13(8)/77-ईवो (बी), तारीख 13-12-1978
2. एफ 13(5)/78-ईवो (बी), तारीख 23-4-1979
3. एफ 13(1)/78-ईवो (बी), तारीख 30-5-1979
4. एफ 13(7)/78-ईवो (बी), तारीख 18-6-1979
5. एफ 17(5)/ईवो (बी)/78, तारीख 18-6-1979
6. एफ 19(15)-पेन 76 (जा.पो.एफ.) तारीख 9-8-79
7. एफ 9(2)-ईवो (बी/पेन/78 जा.पो.एफ.) तारीख 13-11-79
8. एफ 10(10)-पेन/79-जा.पो.एफ. तारीख 3-3-1980
9. एफ 20(22)-ईवो (बी पेन 79-जा.पो.एफ.) तारीख 18-4-80
10. एफ 13(6)-पेन/79-जा.पो.एफ. तारीख 18-4-80
11. एफ 16(2)-पेन/79-जा.पो.एफ. तारीख 12-6-80
12. एफ 11(1)-पेन/77-जा.पो.एफ. तारीख 1-10-80
13. एफ 16(3)-पेन/79-जा.पो.एफ. तारीख 13-10-80
14. एफ 10(2)-पेन/81-जा.पो.एफ. तारीख 21-12-81
15. एफ 13(1)-पेन/82-जा.पो.एफ. तारीख 8-9-82
16. एफ 13(3)-पेन/82-जा.पो.एफ. तारीख 30-4-83
17. एफ 19(2)-पेन/80-जा.पो.एफ. तारीख 10-5-83
18. एफ 16(3)-पेन/77-जा.पो.एफ. तारीख 19-5-83
19. एफ 13(2)-पेन/80-तारीख 20-5-83
20. एफ 19(1)-पेन/83-जा.पो.एफ. तारीख 20-5-83
21. एफ सं. 20(10)/81-पेंशन यूनिट-जा.पो.एफ. तारीख 30-7-83
22. एफ 13(1)-पेन/84-तारीख 19-3-1984
23. एफ 13(4)/84-पा.यू. (जा.पो.एफ.) तारीख 26-2-85
24. एफ 13(1)-पेन/85-तारीख 19-6-1985.

(Department of Pension & Pensioners' Welfare)

New Delhi, the 24th September, 1985.

S.O. 4744.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the General Provident Fund (Central Services) Rules, 1960, namely :—

1. (1) These Rules may be called the General Provident Fund (Central Services) Third Amendment Rules, 1985.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the General Provident Fund (Central Services) Rules, 1960, in para 2 of the Fifth Schedule, the following entry shall be inserted at the end but before the first proviso therein, namely :—

“Chief Medical Officers and Deputy Directors in the field units of Central Government Health Scheme.

Ministry of Health and Family Welfare in respect of Group 'C' and 'D' Staff".

[No. 13(2)-Pension Unit/85]  
HAZARA SINGH, Dy. Secy.

NOTE : General Provident Fund (Central Services) Rules, 1960 were published as S.O. No. 3000 dated 1-12-1960. The Third re-print (corrected upto 30-11-1978) of the rules was printed in 1979. The rules were subsequently amended vide notifications mentioned below :—

1. F. 13(8)/77-EV(B), dated 13-12-1978
2. F. 13(5)/78-EV(B) dated 23-4-1979
3. F. 13(11)/78-EV(B) dated 30-5-79
4. F. 13(7)/78-EV(B) dated 18-6-1979
5. F. 17(5)/EV(B)/78 dated 18-6-1979
6. F. 19(15)-Pen/76(GPF) dated 9-8-1979
7. F. 9(2)-EV(B)Pen/78-GPF dated 13-11-1979
8. F. 10(10)-Pen/79-GPF dated 3-3-1980
9. F. 20(22)-EV(B)/Pen/79-GPF dated 18-4-1980
10. F. 13(6)-Pen/79-GPF dated 18-4-1980
11. F. 16(2)-Pen/79-GPF dated 12-6-1980
12. F. 11(1)-Pen/77-GPF dated 1-10-1980
13. F. 16(3)-Pen/79-GPF dated 13-10-1980
14. F. 10(2)-Pen/81-GPF dated 21-12-1981
15. F. 13(1)-Pen/82-GPF dated 8-9-1982
16. F. 13(3)-Pen/82-GPF dated 30-4-1983
17. F. 19(2)-Pen/80-GPF dated 10-5-1983
18. F. 16(3)-Pen/7-GPF dated 19-5-1983
19. F. 13(2)/80-Pen dated 20-5-1983
20. F. 19(1)-Pen/83-GPF dated 20-5-1983
21. F. 20(10)/81-Pension Unit-GPF dated 30-7-1983
22. F. 13(1)-Pen/84, dated 19-3-1984
23. F. 13(4)/84-P.U.(GPF), dated 26-2-1985
24. F. 13(1)-Pen/85-GPF dated 19-6-1985.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 23 जुलाई, 1985

(आयकर)

का. आ. 4745.—इस कार्यालय की दिनांक 7-3-84 की अधिसूचना सं. 5701 (फा. सं. 203/10/84-आय-कर नि. II के सिलसिले में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली के निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (2) के प्रयोजनों के लिए अन्य प्राकृतिक तथा अनुप्रयुक्त विज्ञानों के क्षेत्र में "संगम" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात्:—

1. यह कि आर्गेनोन रिसर्च सेंटर वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
2. यह कि उक्त सेंटर अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 30 अप्रैल तक

ऐसे प्रारूप में प्रस्तुत करेगी जो इस प्रयोजन के लिए अधि-कथित किया जाए और उसे सूचित किया जाए।

3. यह कि उक्त सेंटर अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंस्तरिका, देनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रतिवर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगी तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति संबंधित आयकर आयुक्त को भेजेगा।

4. यह कि उक्त सेंटर अनुमोदन की समाप्ति के 3 महीने पहले समयावधि बढ़ाने के लिए केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली को आवेदन करेगा। अनुमोदन की समाप्ति की तारीख के बाद प्राप्त आवेदन-पत्र खूद कर दिया जाएगा।

संस्था

"आर्गेनोन रिसर्च सेंटर, 38 चौरंगी रोड, कलकत्ता-700071"।

यह अधिसूचना 30-12-1984 से 31-12-1985 तक की अवधि के लिए प्रभावी है।

[सं. 6338 (फा. सं. 203/7/85-आ. क. नि.-II)]

#### MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 23rd July, 1985

#### INCOME-TAX

S.O. 4745.—In continuation of this Office Notification No. 5701 (F. No. 203/10/84-ITA.II) dated 7-3-1984, it is hereby notified for general information that the institution mentioned below has been approved by Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Association" in the area of other natural and applied sciences subject to the following conditions:—

- (i) That the Organon Research Centre will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.
- (iii) That the said Association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liabilities with a copy of these documents to the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to C.B.D.T., Ministry of Finance, Deptt. of Revenue, New Delhi, 3 months in advance before the expiry of the approval for further extension. Application received after the date of expiry of approval are liable to be rejected.

#### INSTITUTION

Organon Research Centre, 38. Chowringhee Road, Calcutta-700071.

This notification is effective for a period from 30-12-1984 to 31-12-1985.

[No. 6338 (F. No. 203/7/85-ITA.II)]

नई दिल्ली, 14 अगस्त, 1985

का. आ. 4746 :— सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् विज्ञान और प्रौद्योगिकी विभाग नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) (पैनीस/एक/दो) के प्रयोजनों के लिए "संगम" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

1. यह कि जय रिसर्च फाउंडेशन, वल्साड वैज्ञानिक अनुसंधानों के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।

2. यह कि उक्त फाउंडेशन अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 30 अप्रैल तक ऐसे प्ररूप में प्रस्तुत करेगी जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।

3. यह कि उक्त फाउंडेशन अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दर्शाते हुए तुलनपत्र की एक-एक प्रति प्रतिवर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगी तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति संबंधित आयकर आयुक्त को भेजेगा।

4. यह कि उक्त फाउंडेशन अनुमोदन की समाप्ति के 3 महीने पहले समयावधि बढ़ाने के लिए केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय, राजस्व विभाग नई दिल्ली को आवेदन करेगा। अनुमोदन की समाप्ति की तारीख के बाद प्राप्त आवेदन पत्र रद्द कर दिया जाएगा।

#### संस्था

"जय रिसर्च फाउंडेशन डाकखाना बलवाड़ा (मिलाड के मार्ग से), आफ एन. हाईवे नं. 8, जिला वल्साड, गुजरात"।

यह अधिसूचना 16/2/1985 से 31/3/1986 तक की अवधि के लिए प्रभावी है।

[सं. 6371/फा. सं. 203/179/84-आ.क.नि.-II]

New Delhi, the 14th August, 1985

S.O. 4746.—It is hereby notified for general information that the Institution mentioned below has been approved by Department of Science & Technology, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty five/one/two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Association" subject to the following conditions:—

(i) That the Jai Research Foundation, Valsad will maintain a separate account of the sums received by it for scientific research.

(ii) That the said Foundation will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April, each year.

(iii) That the said Foundation will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.

(iv) That the said Foundation will apply to Central Board of Direct Taxes, Ministry of Finance, (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

#### INSTITUTION

Jai Research Foundation, P. O. Valvada (Via Bhilad), Off N. Highway No. 8, Dist. Valsad, Gujarat.

This Notification is effective for a period from 16-2-1985 to 31-3-1986.

[No. 6371 (F. No. 203/179/84-JTA.II)]

नई दिल्ली, 21 अगस्त, 1985

का. आ. 4747 :— इस कार्यालय की विनांक 13.7.1982 की अधिसूचना सं. 4800 फा.सं.203/155/81-आ.क.(नि.-II) के सिलसिले में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् विज्ञान और प्रौद्योगिकी विभाग नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनों के लिए अन्य प्राकृतिक तथा अनुप्रयुक्त विज्ञानों के क्षेत्र में "संस्था" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

1. यह कि पोटैश रिसर्च इन्स्टिट्यूट आफ इंडिया नई दिल्ली वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।

2. यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 30 अप्रैल तक ऐसे प्ररूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।

3. यह कि उक्त संस्थान अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां देनदारियां दर्शाते हुए तुलनपत्र की एक-एक प्रति प्रतिवर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक को एक-एक प्रति संबंधित आयकर आयुक्त को भेजेगा।

4. यह कि उक्त संस्थान अनुमोदन की समाप्ति के 3 महीने पहले समयावधि बढ़ाने के लिए केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय राजस्व विभाग, नई दिल्ली को आवेदन करेगा।

अनुमोदन की समाप्ति की तारीख के बाद प्राप्त आवेदन पत्र रद्द कर दिया जाएगा।

संस्था

'पोटाश रिसर्च इंस्टिट्यूट आफ इण्डिया, सेक्टर 19, डुण्डाहेड़ा, गुडगांव (हरियाणा)'

यह अधिसूचना 1.4.1984 से 31.12.1985 तक की अवधि के लिए प्रभावी है।

[सं. 6378/फा.सं. 203/82/85-आ.आ.नि.-II]

New Delhi, the 21st August, 1985

S.O. 4747.—In continuation of this Office Notification No. 4800 (F. No. 203/155/81-ITA.II) dated 13-7-1982, it is hereby notified for general information that the institution mentioned below has been approved by Department of Science and Technology, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Institution" in the area of other natural and applied sciences subject to the following conditions:—

- (i) That the Potash Research Institute of India, New Delhi will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

#### INSTITUTION

"Potash Research Institute of India, Sector 19, Dunda-hera, Gurgaon (Haryana)".

This Notification is effective for a period from 1-4-1984 to 31-12-1985.

[No. 6378 (F. No. 203/82/85-ITA.II)]

नई दिल्ली, 22 अगस्त, 1985

का. आ. 4748.—इस कार्यालय की दिनांक 30-12-83 की अधिसूचना सं. 5555 सं. 203/224/83 आ.का.नि.2 के सिलसिले में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) (पैतीस/एक/दो) के प्रयोजनों के लिए "संगम" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

1. यह कि नेशनल इंस्टिट्यूट आफ मेंटल हेल्थ एण्ड न्यूरो साइंसेज, बंगलूर वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक् लेखा रखेगा।

2. यह कि उक्त संगम अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 30 अप्रैल तक ऐसे प्ररूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।

3. यह कि उक्त संगम अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दर्शाते हुए तुलनपत्र की एक-एक प्रति प्रतिवर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में संप्रत्येक की एक-एक प्रति संबंधित आयकर आयुक्त को भेजेगा।

4. यह कि उक्त संगम अनुमोदन की समाप्ति के 3 महीने पहले समायोज्य बढ़ाने के लिए केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय, राजस्व विभाग नई दिल्ली को आवेदन करेगा। अनुमोदन की समाप्ति की तारीख के बाद प्राप्त आवेदन पत्र रद्द कर दिया जाएगा।

संस्था

"नेशनल इंस्टिट्यूट आफ मेंटल हेल्थ एण्ड न्यूरो साइंसेज, बंगलूर"

यह अधिसूचना 5.6.1985 से 31.3.1988 तक की अवधि के लिए प्रभावी है।

[सं. 6379/फा.सं. 203/80/85-आ.का.नि.-II]

New Delhi, the 22nd August, 1985

S.O. 4748.—In continuation of this Office Notification No. 5555 (F. No. 203/224/83-ITA.II) dated 30-12-1983, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Science & Technology, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty five/one/two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Association" subject to the following conditions:—

- (i) That the National Institute of Mental Health & Neuro Sciences, Bangalore will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.
- (iii) That the said Association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.
- (iv) That the said Association will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

## INSTITUTION

"National Institute of Mental Health & Neuro Sciences, Bangalore."

This Notification is effective for a period from 5-6-1985 to 31-3-1988.

[No. 6379 (F. No. 203/80/85-ITA.II)]

नई दिल्ली, 23 अगस्त, 1985

का.आ. 4749.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम, 1963 के नियम 2 के साथ पठित अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) (पैतीत/एक/दो) के प्रयोजनों के लिए "संगम" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

1. यह कि अरविन्द मेडिकल रिसर्च फाउंडेशन मदुरै वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राजियों का पृथक लेखा रखेगा।

2. यह कि उक्त संगम अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रतिवर्ष 30 अप्रैल तक गेम्स प्ररूप में प्रस्तुत करेगी जो इस प्रयोजन के लिए अधिसूचित किया जाए और उसे सूचित किया जाए।

3. यह कि उक्त संगम अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियों, देनदारियों दर्शाते हुए तुल्य-वस्तु की एक-एक प्रति प्रतिवर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगी तथा इन दस्तावेजों में से प्रत्येक को एक-एक प्रति संबंधित आयकर आयुक्त को भेजेगा।

4. यह कि उक्त संगम अनुमोदन की समाप्ति के 3 महीने पहले समयावधि बढ़ाने के लिए केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग) नई दिल्ली को आवेदन करेगा। अनुमोदन की तराख के बाद प्राप्त आवेदन पत्र स्वीकार दिया जाएगा।

संस्था

"अरविन्द मेडिकल रिसर्च फाउंडेशन मदुरै"

यह अधिसूचना 11-4-1985 से 31-3-1986 तक की अवधि के लिए प्रभावी है।

[सं. 6381/फा. सं. 203/10/85 आ. क. नि.-2]

New Delhi, the 23rd August, 1985.

S.O. 4749.—It is hereby notified for general information that the Institution mentioned below has been approved by Department of Science & Technology, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section

(1) of Section 35 (Thirty five/One/Two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Association" subject to the following conditions :—

- (i) That the Arvind Medical Research Foundation, Madurai will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.
- (iii) That the said Association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.
- (iv) That the said Association will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension, Application received after the date of expiry of approval are liable to be rejected.

## INSTITUTION

"Arvind Medical Research Foundation, Madurai".

This Notification is effective for a period from 11-4-1985 to 31-3-1986.

[No. 6381 (F. No. 203/10/85-ITA. II)]

नई दिल्ली, 29 अगस्त, 1985

का.आ. 4750.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि बोर्डरी हेल्थ सर्विज, मद्रास की आयकर अधिनियम 1961 की धारा 35(1) (ii) के अंतर्गत वित्त मंत्रालय (राजस्व तथा वसा विभाग) की दिनांक 1-1-1972 की अधिसूचना सं. 1 (फा.सं. 203/25/71 आ.क. नि.-ii) द्वारा प्रदान किया गया अनुमोदन एतद्वारा 31-12-1986 तक सीमित किया जाता है।

[सं. 6389/फा. सं. 203/159/85-आ.क. नि.-II]

New Delhi, the 29th August, 1985

S.O. 4750.—It is hereby notified for general information that the approval granted under section 35 (1) (ii) of the Income-tax Act, 1961 to the Voluntary Health Service, Madras vide Ministry of Finance (Department of Revenue & Insurance) Notification No. 1 (F. No. 203/25/71-ITA. II) dated 1-1-1972, is hereby restricted upto 31-12-1986.

[No. 6389 (F. No. 203/159/85-ITA. II)]

नई दिल्ली, 3 सितम्बर, 1985

का.आ. 4751—इस कार्यालय की दिनांक 14-9-1984 की अधिसूचना सं. 5982 (फा.सं. 203/18/82-आ.क. नि.-II) के सिलसिले में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित

संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम 1961 की धारा 35 की उपधारा (1) के खंड (3) (पैतीस/एक/तीन) के प्रयोजनों के लिए "संस्था" प्रकरण के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

1. यह कि इंटरनेशनल मैनेजमेंट इंस्टिट्यूट, नई दिल्ली वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक् लेखा रखेगा।

2. यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 30 अप्रैल तक ऐसे प्ररूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधि-कथित किया जाए और उसे सूचित किया जाए।

3. यह कि उक्त संस्थान अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों को तथा अपनी परिसंपत्तियां, देनदारियां दर्शाते हुए तुल्य-पत्र को एक-एक प्रति प्रतिवर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तवेजों में से प्रत्येक की एक-एक प्रति संबंधित आयकर आयुक्त को भेजेगा।

4. यह कि उक्त संस्थान अनुमोदन की समाप्ति के 3 माह पहले केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग) नई दिल्ली को और अवधि बढ़ाने के लिए आवेदन करेगा। अनुमोदन की तारीख के बाद प्राप्त होने वाले आवेदन-पत्रों की रद्द कर दिया जाएगा।

संस्था

"इंटरनेशनल मैनेजमेंट इंस्टिट्यूट फॉर्म विल्डिंग, 9-ए कनाट प्लेस, नई दिल्ली"

यह अधिसूचना 1-4-1985 से 31-3-1987 तक की अवधि के लिए प्रभावी है।

[सं. 6402/फा.सं. 203/2/85-आ.क.नि.-II)]

गिरिश दवे, अवसर सचिव

New Delhi, the 3rd September, 1985

S.O. 4751.—In continuation of this Office Notification No. 5982 (F. No. 203/18/82-ITA.III) dated 14-9-84, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Science & Technology, New Delhi, the Prescribed Authority for the purposes of clause (iii) of sub-section (1) of Section 35 (Thirty five/One/Three) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Institution" subject to the following conditions:—

(i) That the International Management Institute, New Delhi will maintain a separate account of the sums received by it for scientific research.

(ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.

(iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.

iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Application received after the date of expiry of approval are liable to be rejected.

INSTITUTION

"International Management Institute, Phelps Building, 9-A, Connought Place, New Delhi".

This Notification is effective for a period from 1-4-1985 to 31-3-1987.

[No.6402 (F. No. 203/2/85-ITA. II)]

GIRISH DAVE, Under Secy.

(राजस्व विभाग)

नई दिल्ली, 23 अगस्त, 1985

(आय-कर)

का.आ. 4752.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, उक्त खण्ड के प्रयोजनार्थ, "श्री वेंकटाचलपति अन्ना चट्टीराम ट्रस्ट, कपिलम, तंजावुर जिला" को कर निर्धारण-वर्ष 1985-86 से 1987-88 के अंतर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[सं. 6386/फा.सं. 197/13/84-आ.क. (नि.-I)]

(Department of Revenue)

New Delhi, the 23rd August, 1985

(INCOME-TAX)

S.O. 4752.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Venkatachalapathy Anna Chattiram Trust, Kapisthalam, Thanjavur District" for the purpose of the said section for the period covered by the assessment years 1985-86 to 1987-88.

[No. 6386/F. No. 197/13/84-IT(AJ)]

नई दिल्ली, 29 अगस्त, 1985

का.आ. 4753.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, उक्त धारा के प्रयोजनार्थ, "श्री वेंकटा देसिकर देवस्थानम्, मेलावोर" को कर निर्धारण-वर्ष 1985-86 से 1987-88 के अंतर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[सं. 6392/फा.सं. 197/5/85-आ.क. (नि.-I)]

New Delhi, the 29th August, 1985

S.O. 4753.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Vadantha Desikar Davasthanam, Mylapore" for the purpose of the said section for the period covered by the assessment years 1985-86 to 1987-88.

[No. 6392/F. No. 197/5/85-IT(AI)]



नई दिल्ली, 9 सितम्बर, 1985

नई दिल्ली, 12 अक्टूबर, 1985

सं. 311/85-सीमा-शुल्क

का.आ. 4754:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80-छ की उपधारा (2) (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा, उक्त खंड के प्रयोजनार्थ, "श्री मुल्लवानानाथ स्वामी मन्दिर, तिरुकारुगवर, पापनाशन तालुका, जिला तंजावुर।" को पूरे तमिलनाडु राज्य में विद्यमान सार्वजनिक पूजा स्थल के रूप में अधिसूचित करती है।

[सं. 6413/फा.सं. 176/46/85-आ.अ. (नि.-I)]

New Delhi, the 9th September, 1985

S.O. 4754.—In exercise of the powers conferred by sub-section (2)(b) of Section 80-G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shri Mullavanatha Swami Temple, Tirukarugavur, Papanasam Taluk, Thanjavur Distt." as a place of public worship renowned throughout the State of Tamil Nadu.

[No. 6413/F. No. 176/46/85-IT(AD)]

नई दिल्ली, 12 सितम्बर, 1985

का.आ. 4755:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा, उक्त धारा के प्रयोजनार्थ, "दि मौनाथुल इस्लाम एसोसिएशन, पोनानी नगरम" को कर-निर्धारण वर्ष 1985-86 से 1987-88 के अन्तर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[सं. 6418/फा.सं. 197/80/84-आ.अ. (नि.-I)]

New Delhi, the 12th September, 1985

S.O. 4755.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notified "The Maunathul Islam Association, Ponani Nagaram" for the purpose of the said section for the period covered by the assessment years 1985-86 to 1987-88.

[No. 6418/F. No. 197/80/84-IT(AD)]

का.आ. 4756:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा, उक्त धारा के प्रयोजनार्थ, "दिल्ली आर्थोडॉक्स डायोसेसन काउंसिल, नई दिल्ली" को कर-निर्धारण वर्ष 1980-81 से 1985-86 के अन्तर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[सं. 6419/फा.सं. 197/169/84-आ.अ. (नि.-I)]

आर. के. तिवारी, अवर सचिव

S.O. 4756.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Delhi Orthodox Diocesan Council, New Delhi" for the purpose of the said section for the period covered by the assessment years 1980-81 to 1985-86.

[No. F. 6419/F. No. 197/169/84-IT(AD)]

R. K. TEWARI, Under Secy.

का.आ. 4757:—केन्द्रीय सरकार, सीमा-शुल्क अधिनियम, 1962 (1962 का 52) की धारा 7 के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए गुजरात राज्य के वलसाड जिले में मटवाडा पत्तन को भारत के सभी पत्तनों के साथ तटीय माल का व्यापार करने के लिए तटीय पत्तन नियुक्त करती है।

[फा.सं. 574/8/85-एल सी-II]

आर. के. कपूर, अवर सचिव

New Delhi, the 12th October, 1985

NO. 311/85-CUSTOMS

S.O. 4757.—In exercise of the powers conferred by clause (d) of section 7 of the Customs Act, 1962 (52 of 1962), the Central Government hereby appoints the Port of Matwad in District Valsad in the State Gujarat to be a coastal Port for the carrying on of trade in coastal goods with all ports in India.

[F. No. 574/8/85-LC.II]

R. K. KAPOOR, Under Secy.

केन्द्रीय उत्पादन-शुल्क और सीमा-शुल्क बोर्ड

नई दिल्ली, 12 अक्टूबर, 1985

सं. 310/85-सीमा शुल्क

का.आ. 4758:—केन्द्रीय उत्पाद-शुल्क और सीमाशुल्क बोर्ड, सीमाशुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, महाराष्ट्र राज्य में नागपुर जिले में कलमेश्वर को भाण्डागार स्टेशन के रूप में घोषित करता है।

[फा.सं. 473/412/85-सी.शु. 7]

आर. के. कपूर, अवर सचिव

CENTRAL BOARD OF EXCISE AND CUSTOMS

New Delhi, the 12th October, 1985

NO. 310/85-CUSTOMS

S.O. 4758.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares Kalmeshwar in Nagpur District in the State of Maharashtra to be a warehousing station.

[F. No. 473/412/85-CUS. VII]

R. K. KAPOOR, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड  
नई दिल्ली, 30 अगस्त, 1985

शुद्धि पत्र  
(आय कर)

का.आ. 4759.—बोर्ड की दिनांक 30-5-85 की अधिसूचना संख्या 6237 (फा.सं. 261/3/85-आ.क.न्या.) में आयकर आयुक्त (अपील), एर्णाकुलम के क्षेत्राधिकार के सामने स्तम्भ 3 के अंतर्गत मद सं. 7 अर्थात् निरोक्षी सहायक आयुक्त, एर्णाकुलम, रेंज [अर्थात् स्तम्भ सं. 2 के अंतर्गत मद सं. 7 की तत्स्थानी प्रविष्टि अर्थात् नि. सहायक आयुक्त (कर-निर्धारण), कोचिन] का खोप कर दिया जाए।

[सं. 6401/फा.सं. 261/3/85-आ.क.नि.दा०]  
ए. के. गर्ग, अवर सचिव

#### CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 30th August, 1985

#### CORRIGENDUM

#### (INCOME-TAX)

S.O. 4759.—In Board's Notification No. 6237 (F. No. 261/3/85-ITJ) dated 30-5-85, against the jurisdiction of Commissioner of Income-tax (Appeals) Ernakulam, item No. 7 under column No. 3 viz; IAC, Ernakulam Range (corresponding to item No 7 under column No. 2 viz. IAC (Assessment) Cochin shall be deleted.

[No. 6401/F. No. 261/3/85-ITJ]  
A. K. GARG, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकि प्रभाग)

नई दिल्ली, 12 सितम्बर, 1985

का. आ. 4760 :—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारत सरकार, वित्त मंत्रालय, आर्थिक कार्य विभाग की दिनांक 28 जुलाई, 1980 की अधिसूचना का.आ. संख्या 585 (इ) में निम्नलिखित संशोधन करती है :—

उपयुक्त अधिसूचना में "शिवसागर और नीगांग जिले" शब्दों के स्थान पर "शिवसागर, जोरहार और नीगांग के जिले तथा मायांग मौजा जो प्रागज्योतिसपुर जिले का हिस्सा है" शब्द रखे जाएंगे।

[सं.एफ. 1(6)/85 आर.आर.बी.]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 12th September, 1985

S.O. 4760.—In exercise of the powers conferred by sub-section (1) of section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby makes the following amendment in the notification of the Govern-

ment of India in Ministry of Finance of Department of Economic Affairs) No. S.O. 585(E), dated the 28th July, 1980, namely:—

In the said notification, for the words "districts of Sibsagar and Nowgong", the words "districts of Sibsagar, Jorhat and Nowgong and Mayang mouza which forms part of Pragjyotishpur district" shall be substituted.

[No. F. 1(6)/85-RRB]

शुद्धि पत्र

का. आ. 4761.—इस मंत्रालय की दिनांक 12 मार्च, 1985 की अधिसूचना संख्या 1(19)/83-आर.आर.बी. में "दिनांक 22 जून, 1984" शब्दों और अंकों के स्थान पर "दिनांक 12 जून, 1982" शब्द जोर और अंक रखे जायें।

[सं.एफ. 1(19)/85-आर.आर.बी.]

#### CORRIGENDUM

S.O. 4761.—In this Ministry's Notification No. F. 1(19)/83-RRB dated the 12th March, 1985 for the words and figures "22nd June, 1984" the words and figures "12th June, 1982" may be substituted.

[No. F. 1(19)/85-RRB]

का. आ. 4762.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा, भारत सरकार, तत्कालीन वित्त मंत्रालय (आर्थिक कार्य विभाग) की दिनांक 25 फरवरी, 1976 की अधिसूचना संख्या का.आ. 137(ई.) (एफ. 4-87/75 ए.सी.-II) में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में "निर्दिष्ट पिपली को ऐसे स्थान के रूप में निर्दिष्ट करती है जहाँ पर पुरी ग्राम्य बैंक का प्रधान कार्यालय होगा" शब्दों के स्थान पर "पुरी को ऐसे स्थान के रूप में निर्दिष्ट करती है जहाँ पर पुरी ग्राम्य बैंक का प्रधान कार्यालय होगा" शब्द रखे जायेंगे।

[संख्या एफ 10(10)/80-आर.आर.बी.]

च०दा० मीरचन्दानी, निदेशक

S.O. 4762.—In exercise of the powers conferred by section (1) of section 4 of the Regional Rural Banks Act, 1976 (21 of 1976) the Central Government hereby makes the following amendment in the notification of the Government of India in the erstwhile Ministry of Finance (Department of Economic Affairs) No. S.O. 137 (E) (F. 4-87/75. AC. II) dated 25-2-1976, namely :—

In the said notification, for the words "specifies pipli as the place where Puri Gramya Bank shall have its Head Office", the words "specifies Puri as the place where Puri Gramya Bank shall have its head office", shall be substituted.

[No. F. 10 (10)/80-RRB]

C. W. MIRCHANDANI, Director

नई दिल्ली, 19 सितम्बर, 1985

का. आ. 4763.—भारतीय निर्यात-आयात बैंक अधिनियम, 1981 (1981 का 28) की धारा 6 की उपधारा (1) के खंड (ड) के उपखंड (1) के अनुसरण में केन्द्रीय सरकार एतद्वारा श्री एन. पी. जैन, सचिव, (ई. आर.) विदेश मंत्रालय, नई दिल्ली को श्री आर. भंडारी के स्थान पर भारतीय निर्यात-आयात बैंक के निदेशक मण्डल में निदेशक के रूप में मनोनीत करती है।

[संख्या 7/5/85-बी. ओ.-I]

एस. एस. हसूरकर, निदेशक

New Delhi, the 19th September, 1985

S.O. 4763.—In pursuance of sub-clause (i) of clause (e) of sub-section (1) of section 6 of Export-Import Bank of India Act, 1981 (28 of 1981), the Central Government hereby nominates Shri N. P. Jain, Secretary (ER), Ministry of External Affairs, New Delhi as a Director of the Board of Director of the Export-Import Bank of India vice Shri R. Bhandari.

[No. F. 7/5/85-BO. I]

S. S. HASURKAR, Director

नई दिल्ली, 25 सितम्बर, 1985

शुद्धिपत्र

का. आ. 4764.—दिनांक 9 मार्च, 1985 को प्रकाशित राजपत्र के भाग-II के खंड (3) के उपखंड (ii) में प्रकाशित अधिसूचना का. आ. संख्या 956 के हिन्दी पाठ में "31 मार्च, 1986" शब्दों के स्थान पर "31 दिसम्बर, 1986" शब्द पढ़े जाएं।

[संख्या 8(1)/85-ए.सी.]

ताजदर रहमान साहनी, उप सचिव

New Delhi, the 25th September, 1985

CORRIGENDUM

S.O. 4764.—In the Hindi version of the Gazette Notification S.O. No. 956 published in Part-II, Section (3), sub-section (ii) dated 9-3-1985 the word "31 March, 1986" may please be read as "31st December, 1986".

[No. 8 (1)/85-AC]

TAJWAR RAHMAN SAHNI, Dy. Secy.

वाणिज्य मंत्रालय

(मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

आदेश

नई दिल्ली, 23 सितम्बर, 1985

का. आ. 4765.—मेसर्स इलेक्ट्रिकल मैन्युफैक्चरिंग कं. लि. 136, जैसोर रोड कलकत्ता-700055 को मुक्त विदेशी मुद्रा के अधीन पूंजीगत माल का आयात करने के लिए 19,47,200/- रुपये (उन्नीस लाख सैंतालीस हजार और दो सौ रुपये मात्र) के लिए एक आयात लाइसेंस सं. पी/सीजी/2087187/सी/एक्स/87/एच/81/सीजी-1 दिनांक 16-6-83 दिया गया था।

फर्म ने ऊपर उल्लिखित लाइसेंस की सीमा शुल्क/मुद्रा विनिमय प्रयोजन प्रति की अनुलिपि प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि मूल सीमा शुल्क प्रयोजन प्रति/मुद्रा विनिमय प्रयोजन प्रति खो गई या अस्थानस्थ हो गई है। आगे यह भी बताया गया है कि लाइसेंस की सीमा शुल्क प्रयोजन प्रति/मुद्रा विनिमय प्रयोजन प्रति किसी भी सीमा शुल्क प्राधिकारी के पास पंजीत नहीं थी और इस प्रकार सीमा-शुल्क प्रयोजन प्रति के मूल्य का बिल्कुल भी उपयोग नहीं किया गया है।

2. अपने तर्क के समर्थन में लाइसेंसधारी ने नोटरी पब्लिक, कलकत्ता के सम्मुख विधिवत् शपथ लेकर स्टाम्प कागज पर एक शपथ पत्र दाखिल किया है। मैं, तदनुसार, सन्तुष्ट हूँ कि आयात लाइसेंस सं. पी/जे/2087187 दिन 16-6-1983 की मूल सीमा शुल्क प्रयोजन प्रति/मुद्रा विनिमय प्रयोजन प्रति फर्म द्वारा खो गई है। यथासंशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1985 की उपधारा 9 (सीसी) के अधीन प्रदत्त अधिकारों का प्रयोग करते हुए मेसर्स इलेक्ट्रिकल मैन्युफैक्चरिंग कं. लि., कलकत्ता को जारी किए गए आयात लाइसेंस सं. पी./सीजी/2087187 दिनांक 16-6-1983 की उपयुक्त मूल सीमा शुल्क प्रयोजन प्रति/मुद्रा विनिमय नियंत्रण प्रयोजन प्रति एतद्वारा रद्द की जाती है।

3. उपयुक्त लाइसेंस की सीमा शुल्क प्रयोजन प्रति/मुद्रा विनिमय प्रयोजन प्रति की अनुलिपि 19,47,200/- रुपये (19,47,200 यूएस डालर) मूल्य के लिए पार्टी को अलग से जारी की जा रही है।

[फाइल सं. सीजी-1/1626/4/81-82/सीजी/397/454]

पाल बैक, उप मुख्य नियंत्रक, आयात-निर्यात

कृत मुख्य नियंत्रक आयात-निर्यात

MINISTRY OF COMMERCE

(Office of the Chief Controller of Imports &amp; Exports)

ORDER

New Delhi, the 23rd September, 1985.

S.O. 4765.—M/s. Electrical Manufacturing Co. Ltd., 136 Jessore Rd. Calcutta-700055 were granted an Import Licence No. P/CG/2087187/C/XX 87/H/81 CG.I dated 16-6-1983 for

Rs. 19,47,200]—(Rupees Nineteen Lakhs Forty Seven Thousand and Two Hundred only for import of Capital Goods under Free Foreign Exchange.

The firm has applied for issue of duplicate copy of Customs purposes Ex. Control copy of the above mentioned licence on the ground that the original Customs purposes/Exchange Control copy of the licence has been lost or misplaced. It has further been stated that the Customs purposes/Ex. Control copy of the licence was not registered with any Customs Authority and as such the value of Customs Purposes Copy has not been utilised at all.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a notary Public, Calcutta, I am accordingly satisfied that the original Customs Purposes/Ex. Control copy of Import Licence No. P/CG 2087187 dated 16-6-1983 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs purposes/Exchange Control copy No. P/CG 2087187 dated 16-6-1983 issued to M/s. Electrical Manufacturing Co. Ltd., Calcutta is hereby cancelled.

3. A duplicate Customs purposes/Exchange Control copy of the said licence is being issued to the party separately valued Rs. 19,47,200 (US \$ 192,475).

[F. No. CG. I/1626/4/81-82/CG/397/454]

PAUL BECK, Dy. Chief Controller of Imports & Exports  
for Chief Controller of Imports & Exports

आदेश

नई दिल्ली, 24 सितम्बर, 1985

का. आ. 4766:—श्री. सोम मजुमदार, डी-1/5-6 रवीन्द्र पुरी एक्सटेंशन, बाराणसी, उत्तर प्रदेश के निवासी को एक वाक्सवागन रेबिट कार के आयात के लिए 40,000/- रु. का एक सीमा-शुल्क निकासी परमिट सं. पी/जे/3051939 दिनांक 12-6-85 दिया गया था। आवेदक ने उपर्युक्त सीमा शुल्क निकासी परमिट की अनुलिपि प्रति जारी कर के लिए इस आधार पर आवेदन किया है कि मूल सीमा-शुल्क निकासी परमिट अस्थानस्थ हो गया/खो गया है। आगे यह बताया गया है कि मूल सीमा-शुल्क निकासी परमिट किसी भी सीमा-शुल्क प्राधिकारी के पास पंजीकृत नहीं कराया गया था और इस प्रकार सीमा-शुल्क निकासी परमिट के मूल्य का बिल्कुल भी उपयोग नहीं किया गया है।

2. अपने तर्कों के समर्थन में, लाइसेंसधारी ने उपाधिकृत न्यायिक प्राधिकारी के सम्मुख विधिवत् शपथ लेकर एक शपथ पत्र दाखिल किया है। तबनुसार, मैं संतुष्ट हूँ कि मूल सीमा-शुल्क निकासी परमिट सं. पी/जे/3051939 दिनांक 12/6/85 आवेदक से खो गया है। समय 2 पर यथासंशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक-7-12-1955 के उपखंड 9(सीसी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करते हुए श्री सोम मजुमदार को जारी किया गया उक्त मूल सीमा-शुल्क निकासी परमिट सं. पी/जे/3051939, दिनांक 13-6-85 एतद्वारा रद्द किया जाता है।

3. पार्टी को सीमा शुल्क निकासी परमिट की अनुलिपि प्रति अलग से जारी की जा रही है।

[फा. सं. ए/एम-15/85-86/बीएनएन/1920]

एन. एम. कृष्णामूर्ति, उप मुख्य नियंत्रक, आयात-निर्यात  
उत्ते मुखन नियंत्रक, आयात-निर्यात

ORDER

New Delhi, the 24th September, 1985.

S.O. 4766.—Dr. Som Majumdar resident of D-1/5-6, Rabintra Puri Extension Varanasi, UP was granted a Custom Clearance Permit No. P/J/3051939 dt. 12-6-85 for Rs. 40,000 only for import of one Volkswagen Rabbit car. The applicant has applied for issue of duplicate copy of the above mentioned Customs Clearance Permit on the ground that the original CCP has been misplaced/lost. It has further been stated that the original CCP was not registered with any customs authority and as such the value of the CCP has not been utilised.

2. In support of his contention, the licensee has filed an affidavit duly sworn before the appropriate judicial authority. I am accordingly satisfied that the original CCP No. P/J/3051939 dt. 12-6-85 has been lost by the applicant. In exercise of the powers conferred under Sub-Clause 9 (cc) of the Import (Control) Order, 1955 dt. 7-12-1955 as amended from time to time the said original CCP No. P/J/3051939 dt. 12-6-85 issued to Shri Som Majumdar is hereby cancelled.

3. A duplicate copy of the Customs Clearance Permit is being issued to the party Separately.

[F. No. A/M-15/85-86/BLS/920]

N. S. KRISHNAMURTHY, Dy. Chief Controller of  
Imports & Exports  
for Chief Controller of Imports and Exports

पूति एवं वस्त्र मंत्रालय

वस्त्र उद्योग समिति

बम्बई, 17 सितम्बर, 1985

का. आ. 4767:—वस्त्र उद्योग समिति अधिनियम, 1963 (1963 का क्रमांक 41) की धारा 22 जो कि इसी अधिनियम की धारा-4 की उपधारा 2 के वर्ग (सी) एवं (डी) के साथ पठित है के अधीन स्वयं को प्रदान की गई शक्तियों का प्रयोग करते हुए वस्त्र उद्योग समिति केंद्रीय सरकार की पूर्वानुमति में मिल के बने सूती वस्त्रों के जांच विनियम, 1966 में संशोधन हेतु निम्न विनियम बनाती है:—

1. (1) ये विनियम मिल के बने सूती वस्त्र जांच (संशोधन) विनियम 1985 कहलायेंगे।

(2) ये विनियम सरकारी राजपत्र में प्रकाशित होने के दिन से ही लागू माने जायेंगे।

2. मिल के बने सूती वस्त्र जांच विनियम, 1966 में:—

(i) विनियम 4 में, उपविनियम (डी) के बाद निम्न उपविनियम जोड़ें:—

“(ii) विदेशी सरकारी एजेंसी के क्रेता होने के संदर्भ में यदि उनका ही निरीक्षक अथवा प्रतिनिधि अथवा प्राधिकृत एजेंसी ही सदान पूर्व माल का

निरीक्षण करती है, तो समिति उस सामान की पुनः जांच नहीं करेगी; बशर्ते कि निम्न अवस्थाएं संतोषजनक हों :—

- (1) विदेशी सरकार अथवा उनकी प्राधिकृत एजेंसी से यदि अनुरोध प्राप्त हुआ हो कि वे इन विनियमों के अनुसार वस्त्र उद्योग समिति की जांच के स्थान पर, स्वयं जांच करना चाहते हैं।
- (2) विदेशी सरकार की क्रेता एजेंसी यदि यह पुष्टि कर दे कि उनकी स्वयं की एजेंसी द्वारा स्वीकृत एवं पारित सामान की क्वालिटी पर वे आपत्ति नहीं उठाएंगे।
- (3) उक्त निरीक्षक/एजेंसी द्वारा की गई जांच के निम्नतम मानक तथा विधि एवं प्रक्रियाएं यदि वस्त्र उद्योग समिति को उक्त उद्देश्य के लिए पर्याप्त एवं स्वीकार्य लगें तो वस्त्र उद्योग समिति एक बार में एक वर्ष की अवधि के लिए स्वीकृति प्रदान कर सकती है।

नोट:—स्वीकृत की गई इस अवधि में यदि वस्त्र उद्योग समिति किसी भी कारण से आवश्यक समझे तो उसे आकस्मिक जांच करने का अधिकार होगा।”

2. विनियम 8 में उप विनियम (बी) के पश्चात् निम्न उप-विनियम जोड़े:—

“(सी) विदेशी सरकारी एजेंसी के क्रेता होने पर जहां उनके ही निरीक्षण अथवा प्रतिनिधि अथवा प्राधिकृत एजेंसी द्वारा जांच की गई है तथा विनियम 4 के उप विनियम (ई) में उल्लिखित अवस्थाएं यदि संतोषजनक पाई जायें तो उक्त निरीक्षण अथवा निर्यात एजेंसी द्वारा स्वीकृति के प्रमाणपत्र प्रस्तुत किए जाने पर, कन्वर्टिड-मेट के आधार पर ही वस्त्र उद्योग समिति का इसी उद्देश्य हेतु प्राधिकृत किया गया अधिकारी निर्यात हेतु स्वीकृति जारी कर सकता है।

पाद टिप्पणी:—मूल विनियम/आदेश जो कि भारत के राजपत्र खण्ड III भाग 4 दिनांक 15-10-1966 के पृष्ठ 831 पर अधिसूचना क्रमांक एस. ओ. दिनांक 30-9-66 द्वारा प्रकाशित किए गए हैं।

निम्नानुसार संशोधित किए गये हैं :—

1. अधिसूचना क्र० एस. ओ. दिनांक जनवरी, 71
2. अधिसूचना एस. ओ. दिनांक 6-11-71
3. अधिसूचना क्र. नहीं दिनांक 20-3-75
4. अधिसूचना क्र. 33(4) 77-डी. दिनांक 19-12-77

[सं. 80(18)/85 एडी]

## MINISTRY OF SUPPLY & TEXTILES (Textiles Committee)

Bombay, the 17th September, 1985

S.O. 4767.—In exercise of the powers conferred on it under section 23 read with sub-clauses (c) and (d) of sub-section 2 of section 4 of the Textiles Committee Act, 1963 (41 of 1963), the Textiles Committee with the previous sanction of the Central Government, hereby makes the following Regulations to amend the Mill-made Cotton Cloth Inspection Regulations, 1966, namely :—

1. (1) These regulations may be called the Mill-made Cotton Cloth Inspection (Amendment) Regulations 1985.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Mill-made Cotton Cloth Inspection Regulations, 1966—

(1) In Regulation 4, after sub-regulation (d), the following sub-regulation shall be added, namely :—

“(c) In case of purchase by Foreign Government Agency if its inspector or its representative or authorised agency inspects the material before shipment, the material may not be re-inspected by the Committee provided the following conditions are satisfied :

(i) A request is received from the Foreign Government or its authorised agency that it wishes to carry out its own inspection in lieu of the inspection by the Textiles Committee according to these regulations.

(ii) The Foreign Government buying agency also promises that it will not raise objection regarding quality once the goods have been accepted and cleared by its own agency.

(iii) The minimum standard of inspection of the said inspector or representative or agency and the methods and procedures adopted for inspection by such inspector or representative or agency are adequate and acceptable to the Textiles Committee for which purpose the Textiles Committee may grant recognition for one year at a time.

Note : During the period of recognition, the Textiles Committee shall have the right to conduct any surprise inspection if it is felt necessary to do so for any reason.”

(2) In Regulation 8, after sub-regulation (b), the following sub-regulation shall be added, namely :—

“(c) In case of purchase by a Foreign Government Agency where inspection is done by its Inspector or its representative or authorised Agency and the conditions mentioned in sub-regulation (e) of Regulation 4 are satisfied, an authorisation for export shall be issued by an Officer of the Committee authorised for the purpose consignmentwise on production of a certificate of acceptance from the said Inspector or Agency by the exporter governing the consignment in question”.

### FOOT NOTE

Principal Rules/Order published vide Notification No. S.O. dt. 30-9-66 Gazette of India dt. 15-10-1966 Part III Section 4 page 831.

Subsequently amended by

- (i) Notification No. dt. Jan. 71.
- (ii) Notification No. S.O. dt. 6-11-71.
- (iii) Notification No. Nil dt. 20-3-75.
- (iv) Notification No. 33(4) 77-AD dt. 19-12-77.

[No. 80(18)/85-AD]

दा. आ. 4768.—वस्त्र उद्योग समिति अधिनियम 1963 (1963 का क्रमांक 41) की धारा 23 जो कि इसी अधिनियम की धारा-4 की उपधारा-2 के वर्ग (सी) एवं (डी) के साथ पठित है, के अधीन स्वयं को प्रदान की गई शक्तियों का प्रयोग करते हुए वस्त्र उद्योग समिति केंद्रीय सरकार की पूर्वानुमति से ऊनी वर्सेटिड एवं मिश्रित ऊनी वर्सेटिड वस्त्र जांच विनियम 1969 में संशोधन हेतु निम्न विनियम बनाती है :—

1. (1) ये विनियम “ऊनी वर्सेटिड एवं मिश्रित ऊनी एवं वर्सेटिड वस्त्र जांच (संशोधन) विनियम 1985” कहलायेंगे।

(2) ये विनियम सरकारी राजपत्र में प्रकाशित होने के दिन से ही लागू होंगे।

2. ऊनी वर्सेटिड एवं मिश्रित ऊनी एवं वर्सेटिड वस्त्र जांच विनियम 1969 में:—

(1) विनियम 4 में उप-विनियम (बी) के बाद निम्न विनियम जोड़ें जो वि:—

“(सी) विदेशी सरकारी एजेंसी के क्रेता होने के संदर्भ में यदि उनका निरीक्षक अथवा प्रतिनिधि अथवा प्राधिकृत एजेंसी ही लक्ष्यपूर्वक माल का निरीक्षण करती है, तो समिति उस सामान की पुनः जांच नहीं करेगी, बशर्ते निम्न अवस्थाएं संतोषजनक हों:—

(1) विदेशी सरकार अथवा उनकी प्राधिकृत एजेंसी से यदि अनुरोध प्राप्त हुआ हो कि वे इन विनियमों के अनुसार वस्त्र उद्योग समिति की जांच के स्थान पर, स्वयं जांच करना चाहते हैं।

(2) विदेशी सरकार की क्रेता एजेंसी यदि प्रहृष्ट कर दे कि उनकी स्वयं की एजेंसी द्वारा स्वीकृत एवं पारित सामान की क्वालिटी पर वे आपत्ति नहीं उठाएंगे।

(3) उक्त निरीक्षक/एजेंसी द्वारा की गई जांच के निम्नतम मानक तथा विधि एवं प्रक्रियाएं यदि वस्त्र उद्योग समिति को उक्त उद्देश्य के लिए पर्याप्त एवं स्वीकार्य लगें तो वस्त्र उद्योग समिति एक बार में एक वर्ष की अवधि के लिए स्वीकृति प्रदान कर सकती है।

नोट:—स्वीकृत की गई इस अवधि में यदि वस्त्र उद्योग समिति किसी भी कारण से आवश्यक समझे तो उसे आवास्मिक जांच करने का अधिकार होगा।”

2. विनियम 11 को नया क्रमांक उप विनियम (ए) दिया जाये एवं इस नये क्रमांक उप विनियम (ए) के बाद निम्न उप विनियम जोड़ें जाये:—

“(बी) विदेशी सरकारी एजेंसी के क्रेता होने पर जहां उनके ही निरीक्षक अथवा प्रतिनिधि अथवा प्राधिकृत एजेंसी द्वारा जांच की गई है तथा विनियम 4 के उप विनियम (ई) में उल्लिखित अवस्थाएं यदि संतोषजनक पाई जाये तो उक्त निरीक्षक अथवा नियोजित एजेंसी द्वारा स्वीकृति के प्रमाण पत्र प्रस्तुत किये जाने पर, एन्फाईनमेंट के आधार पर ही वस्त्र उद्योग समिति का इसी उद्देश्य हेतु प्राधिकृत किया गया अधिकारी निर्यात हेतु स्वीकृति जारी कर सकता है।

पाद टिप्पणी :—

निम्नानुसार संशोधित किये गये हैं :

(1) अधिसूचना क्र. एस ओ दिनांक 25-9-1972

(2) अधिसूचना क्र. नहीं दिनांक 6-3-1975

[सं. 80(18)/85 ए.डी.]

S.O. 4768.—In exercise of the powers conferred on it under section 23 read with sub-clauses (c) and (d) of sub-section 4 of the Textiles Committee Act, 1963 (41 of 1963), the Textiles Committee, with the previous sanction of the Central Government, hereby makes the following Regulations to amend the Woollen, Worsted and Mixed Woollen and Worsted Fabrics Inspection Regulations, 1969, namely :—

1. (1) These regulations may be called the “Woollen Worsted and Mixed Woollen and Worsted Fabrics Inspection (Amendment) Regulations 1985”.

(2) They shall come into force on the date of publication in the Official Gazette.

2. In the Woollen Worsted and Mixed Woollen and Worsted Fabrics Inspection Regulations, 1969—

(1) In Regulation 4, after sub-regulation (b), the following sub regulation shall be added, namely :—

“(c) In case of purchase by Foreign Government Agency if its Inspector or its representative or an authorised Agency inspects the material before shipment, the material may not be reinspected by the Committee provided the following conditions are satisfied :

(i) A request is received from the Foreign Government or its authorised Agency that it wishes to carry out its own inspection in lieu of the inspection by the Textiles Committee according to these Regulations.

(ii) The Foreign Government/buying Agency also promises that it will not raise objection regarding quality, once the goods have been accepted and cleared by its own Agency.

(iii) The minimum standards of inspection of the said Inspector/Agency and the methods and procedures adopted for inspection by such Inspector/Agency are adequate and acceptable to the Textiles Committee for which purpose the Textiles Committee may grant recognition for one year at a time.

NOTE : During the period of recognition, the Textiles Committee shall have the right to conduct any surprise inspection if it is felt necessary to do so for any reason.”

(2) Regulation 11 shall be re-numbered as sub-regulation (a) thereof and after sub-regulation (a) as so re-numbered, the following sub-regulation shall be added, namely :

“(b) In case of purchase by a Foreign Government Agency where inspection is done by its Inspector or its representative or authorised Agency and the conditions mentioned in sub-regulation (c) of Regulation 4 are satisfied, an authorisation for export shall be issued by an Officer of the Committee authorised for the purpose consignment-wise on production of a certificate of acceptance from the said Inspector or Agency by the exporter governing the consignment in question.”

## FOOT NOTE

Subsequently amended by

(i) Notification No. S.O. dtd. 25-9-1972.

(ii) Notification No. Nil dtd. 6th March, 1975.

[No. 80(18)/85-AD]

का० आ० 4769.—वस्त्र उद्योग समिति अधिनियम 1963 (1963 का क्रमांक 41) की धारा 23 जो कि इसी अधिनियम की धारा 4 की उपधारा 2 के खण्ड (सी) एवं (डी) के साथ पठित है, के अधीन स्वयं को प्रदान की गई शक्तियों का प्रयोग करते हुए वस्त्र उद्योग समिति केन्द्रीय सरकार की पूर्वानुमति से मैन मेड फाइबर वस्त्र जांच विनियमों, 1972 में संशोधन हेतु निम्न विनियम बनाती है:

1. (1) ये विनियम मैन-मेड फाइबर वस्त्र जांच, (संशोधन) विनियम 1985 कहलायेंगे।

(2) ये विनियम सरकारी राजपत्र में प्रकाशित होने के दिन से ही लागू होंगे।

2. मैन मेड फाइबर वस्त्र (जांच) विनियम, 1972 में:-

(1) विनियम-4 (डी) के बाद निम्न उपविनियम जोड़े:-

“(इ) विदेशी सरकारी एजेंसी के क्रेता होने के संदर्भ में यदि उनका ही निरीक्षक अथवा प्रतिनिधि अथवा प्राधिकृत एजेंसी ही लदान पूर्व माल का निरीक्षण करती है, तो समिति उस समान की पुनः जांच नहीं करेगी. वरन् के निम्न अवस्थाएं संतोषजनक हों:-

(1) विदेशी सरकार अथवा उनकी प्राधिकृत एजेंसी से यदि अनुरोध प्राप्त हुआ हो कि वे इन विनियमों के अनुसार वस्त्र उद्योग समिति की जांच के स्थान पर, स्वयं जांच करना चाहते हैं।

(2) विदेशी सरकार की क्रेता एजेंसी यदि यह पुष्टि कर दे कि उनकी स्वयं की एजेंसी द्वारा स्वीकृत एवं पारित सामान की क्वालिटी पर वे आपत्ति नहीं उठाएंगे।

(3) उक्त निरीक्षक/एजेंसी द्वारा की गई जांच के निम्नतम मानक तथा विधि एवं प्रक्रियाएं यदि वस्त्र उद्योग समिति को उक्त उद्देश्य के लिए पर्याप्त एवं स्वकार्य लगे तो वस्त्र उद्योग समिति एक बार में एक वर्ष की अवधि के लिए स्वीकृति प्रदान कर सकती है।

नोट:- स्वीकृत की गई इस अवधि में यदि वस्त्र उद्योग समिति किसी भी कारण से आवश्यक समझे तो उसे आकस्मिक जांच करने का अधिकार होगा।”

2. विनियम 11 को नया क्रमांक उप-विनियम (ए) दिया जाये एवं इस नये क्रमांक उप-विनियम (ए) के बाद निम्न उप-विनियम जोड़े जायें:-

“(बी)” विदेशी सरकारी एजेंसी के क्रेता होने पर जहां उनके ही निरीक्षक अथवा प्रतिनिधि अथवा प्राधिकृत एजेंसी द्वारा जांच की गई है तथा विनियम 4 के के उप-विनियम (ई) में उल्लिखित अवस्थाएं यदि पाई जायें तो, उक्त निरीक्षक अथवा निर्यातक एजेंसी द्वारा स्वीकृति के प्रमाणपत्र प्रस्तुत किये जाने पर, कम्पाईनमेंट के आधार पर ही वस्त्र उद्योग समिति इसी उद्देश्य हेतु प्राधिकृत किया गया अधिकारी निर्यात हेतु स्वीकृति जारी कर सकता है।

पाद टिप्पणी:- मूल विनियम/आदेश जो कि भारत के राजपत्र खण्ड III भाग 4 के पृष्ठ 1293 पर अधिसूचना क्र. एस. ओ. 80 (15/71) एडो दिनांक नहीं द्वारा प्रकाशित किए गये हैं।

[सं० 80 (18)/85 ए०डी०]

S.O. 4769.—In exercise of the powers conferred on it under section 23 read with sub-clauses (c) and (d) of sub-section 2 of section 4 of the Textiles Committee Act, 1963 (41 of 1963), the Textiles Committee with the previous sanction of the Central Government, hereby makes the following Regulations to amend the Man-made Fibre Fabrics (Inspection) Regulations, 1972, namely :

1. (1) These Regulations may be called the Man-made Fibre Fabrics (Inspection) Amendment Regulations, 1985.

(2) They shall come into force on the date of publication in the Official Gazette.

2. In the Man-made Fibre Fabrics (Inspection) Regulations, 1972—

(1) In Regulation 4, after sub-regulation (d), the following sub-regulation shall be added, namely :

“(E) In case of purchase by Foreign Government Agency if its Inspector or its representative or authorised Agency inspects the material before shipment, the material may not be reinspected by the Committee, provided the following conditions are satisfied.

(i) A request is received from the Foreign Government or its authorised Agency that it wishes to carry out its own inspection in lieu of the inspection by the Textiles Committee according to these Regulations.

(ii) The Foreign Government Buying Agency also promises that it will not raise objection regarding quality once the goods have been accepted and cleared by its own Agency.

(iii) The minimum standards of inspection of the said Inspector/Agency and the methods and procedures adopted for inspection by such Inspector or Agency are adequate and acceptable to the Textiles Committee for which purpose the Textiles Committee may grant recognition for one year at a time.

NOTE : During the period of recognition, the Textiles Committee shall have the right to conduct any surprise inspection if it is felt necessary to do so for any reason.”

- (2) Regulation 11 shall be renumbered as sub-regulation (a) thereof and after sub-regulation (a) as so renumbered the following sub-regulation shall be added, namely :—

“(b) In case of purchase by a Foreign Government Agency where inspection is done by its Inspector or its representative or authorised Agency and the conditions mentioned in sub-regulation (c) of Regulation 4 are satisfied, an authorisation for export shall be issued by an Officer of the Committee authorised for the purpose consignment-wise on production of a certificate of acceptance from the said Inspector or Agency by the exporter governing the consignment in question.”

#### FOOT NOTE

Principal Rules/Order published vide Notification No. S.O. 80 (15)/71-AD dt. Nil Gazette of India dt. 12-8-1972 Part III Sec. 4 page 1293.

[No. 80(18)/85-AD]

का० आ० 4770 :—वस्त्र उद्योग समिति अधिनियम, 1963 (1963 का क्रमांक 41) की धारा 23 जो कि इसी अधिनियम की धारा 4 की उपधारा-2 के वर्ग (सी) एवं (डी) के साथ पठित है, के अधीन स्वयं को प्रदान की गई शक्तियों का प्रयोग करने हुए वस्त्र उद्योग समिति केंद्रीय सरकार की पूर्वानुमति से पोलिएस्टर सूतों एवं पोलिस्टर विस्कोस ब्लैण्डड वस्त्र जांच विनियमों, 1971 में संशोधन हेतु निम्न विनियम बनाती है:—

1. (1) ये विनियम पोलिएस्टर-सूती एवं पोलिएस्टर-विस्कोस ब्लैण्डड वस्त्र जांच (संशोधन) विनियम, 1985 कहलायेंगे।

(2) ये विनियम सरकारी राजपत्र में प्रकाशित होने के दिन से ही लागू माने जायेंगे।

2. पोलिएस्टर-सूती एवं पोलिएस्टर-विस्कोस ब्लैण्डड वस्त्र जांच विनियम, 1971 में:—

(1) विनियम-4 में उप-विनियम (बी) के बाद निम्न उप-विनियम जोड़े जायें:—

“(सी) विदेशी सरकारी एजेंसी के क्रेता होने के संदर्भ में यदि उनका ही निरीक्षक अथवा प्रतिनिधि अथवा प्राधिकृत एजेंसी ही लदानपूर्व माल का निरीक्षण करता है, तो समिति उस सामान की पुनः जांच नहीं करेगी, बशर्ते कि निम्न अवस्थाएं संतोषजनक हों:—

(1) विदेशी सरकार अथवा उनकी प्राधिकृत एजेंसी में यदि अनुरोध प्राप्त हुआ हो कि वे इन विनियमों के अनुसार वस्त्र उद्योग समिति की जांच के स्थान पर, स्वयं जांच करना चाहते हैं।

(2) विदेशी सरकार की क्रेता एजेंसी यदि यह पुष्टि कर दे कि उनकी स्वयं की एजेंसी द्वारा स्वीकृत एवं परित सामान की क्वालिटी पर आपत्ति नहीं उठाएंगे।

(3) उक्त निरीक्षक/एजेंसी द्वारा की गई जांच के निम्नतम मानक तथा विधि एवं प्रक्रियाएं यदि वस्त्र उद्योग समिति को उक्त उद्देश्य के लिए पर्याप्त एवं स्वाकार्य लगें तो वस्त्र उद्योग

समिति एक बार में एक वर्ष की अवधि के लिए स्वीकृति प्रदान कर सकती है।

नोट:— स्वीकृत की गई इस अवधि में यदि वस्त्र उद्योग समिति किसी भी कारण से आवश्यक समझे तो उसे आकस्मिक जांच करने का अधिकार होगा।”

2. विनियम 11 को नया क्रमांक उप-विनियम (ए) दिया जाये एवं इस नये क्रमांक उप-विनियम (ए) के बाद निम्न उप-विनियम जोड़े जायें:—

“(बी) विदेशी सरकारी एजेंसी के क्रेता होने पर जहां उनके निरीक्षक अथवा प्रतिनिधि अथवा प्राधिकृत एजेंसी द्वारा जांच की गई तथा विनियम-4 के उप-विनियम (सी) में उल्लिखित अवस्थाएं यदि संतोषजनक पाई जायें तो, कन्साईनमेंट के आधार पर ही उक्त निरीक्षक अथवा निर्यातक एजेंसी द्वारा स्वीकृति के प्रमाण-पत्र प्रस्तुत करने पर वस्त्र उद्योग समिति का अधिकारी जिसे उसी उद्देश्य के लिए प्राधिकृत किया गया है, निर्यात के लिए स्वीकृति जारी कर सकता है।”

पाद टिप्पणी:— मूल विनियम/आदेश जो कि भारत के राजपत्र खण्ड III भाग 4 के पृष्ठ 2013 पर अधिसूचना क्र० एस. ओ. दिनांक जुलाई 1971 के द्वारा प्रकाशित किये गये हैं:—

निम्नानुसार संशोधन किये गए हैं:—

1. अधिसूचना क्र० नहीं दिनांक 11.2.1972

2. अधिसूचना क्र० नहीं दिनांक 6.3.1975

[सं० 80 (18)/85-एडी]

S.O. 4770.—In exercise of the powers conferred on it under section 23 read with sub-clauses (c) and (d) of sub-section 2 of section 4 of the Textiles Committee Act, 1963 (41 of 1963), the Textiles Committee with the previous sanction of the Central Government, hereby makes the following Regulations to amend the polyester-Cotton and Polyester Viscose Blended Fabrics Inspection Regulations, 1971, namely:

1. (1) These Regulations may be called the Polyester-Cotton and Polyester-Viscose Blended Fabrics Inspection (Amendment) Regulations, 1985.

(2) They shall come into force on the date of publication in the Official Gazette.

2. In the Polyester-Cotton and Polyester-Viscose Blended Fabrics Inspection Regulations, 1971 :—

(1) In Regulation 4, after sub-regulation (b), the following sub-regulation shall be added, namely :—

“(c) In case of purchase by Foreign Government Agency if its Inspector or its representative or authorised Agency inspects the material before shipment, the material may not be reinspected by the Committee, provided the following conditions are satisfied :

(i) A request is received from the Foreign Government or its authorised Agency that it wishes to carry out its own inspection in lieu of the inspection by the Textiles Committee according to these Regulations.



(ii) The Foreign Government Buying Agency also promises that it will not raise objection regarding quality once the goods have been accepted and cleared by its own Agency.

(iii) The minimum standards of inspection of the said Inspector/Agency and the methods and procedures adopted for inspection by such Inspector or Agency are adequate and acceptable to the Textiles Committee for which purpose the Textiles Committee may grant recognition for one year at a time.

Note : During the Period of recognition, the Textiles Committee shall have the right to conduct any surprise inspection if it is felt necessary to do so for any reason."

(2) Regulation 11 shall be renumbered as sub-regulation (a) thereof and after sub-regulation (a) as so renumbered, the following sub-regulation shall be added, namely :

"(b) In case of purchase by a Foreign Government Agency where inspection is done by its Inspector or its Representative or authorised Agency and the conditions mentioned in sub-regulation (c) of Regulation 4 are satisfied, an authorisation for export shall be issued by an Officer of the Committee authorised for the purpose, consignment wise on production of a certificate of acceptance from the said Inspector or Agency by the exporters governing the consignment in question."

#### FOOT NOTE

Principal Rules/Order published vide Notification No. S.O. dt. July 71. Gazette of India dt. 21-8-1971 Part III Sec. 4 page 2013.

Subsequently amended by.

(1) Notification No. Nil dt. 11-2-1972.

[No 80 (18)/85-AD]

का० आ० 4771:—वस्त्र उद्योग समिति अधिनियम, 1963 (1963 का क्रमांक-41) की धारा 23 जो कि इसी अधिनियम की धारा-4 की उपधारा 2 के वर्ग (सी) एवं (डी) के साथ पठित है, के अधीन स्वयं प्रदान की गई शक्तियों का प्रयोग करने हुए वस्त्र उद्योग समिति केन्द्रीय सरकार की पूर्वानुमति से मिल के बने सूती यार्न जांच विनियम 1966 में संशोधन हेतु निम्न विनियम बनाती है :-

1. (1) ये विनियम मिल के बने सूती यार्न जांच (संशोधन) विनियम 1985 कहलायेंगे।

(2) ये विनियम सरकारी राजपत्र में प्रकाशित होने के दिन से ही लागू होंगे।

2. मिल के बने सूती यार्न जांच विनियम, 1966 में:-

(1) विनियम -5 में, उप-विनियम (ए) के बाद निम्न उप-विनियम जोड़े:-

"(बी) विदेशी सरकारी एजेंसी के क्रेता होने के संदर्भ में यदि उनका ही निरीक्षक अथवा प्रतिनिधि अथवा प्राधिकृत एजेंसी ही लदान पूर्व माल का निरीक्षण करती है, तो समिति उस सामान की पुनः जांच नहीं करेगी,

बशर्ते कि निम्न अवस्थाएं संतोषजनक हों :-

(1) विदेशी सरकार अथवा उनकी प्राधिकृत एजेंसी से यदि अनुरोध प्राप्त हुआ हो कि वे इन विनियमों के अनुसार वस्त्र उद्योग समिति की जांच के स्थान पर, स्वयं जांच करना चाहते हैं।

(2) विदेशी सरकार की क्रेता एजेंसी यदि वह पुष्टि कर दे कि उनकी स्वयं की एजेंसी द्वारा स्वीकृत एवं पारित सामान की क्वालिटी पर वे आपत्ति नहीं उठाएंगे।

(3) उक्त निरीक्षक/एजेंसी द्वारा की गई जांच के निम्नतम मानक तथा विधि एवं प्रक्रियाएं यदि वस्त्र उद्योग समिति को उक्त उद्देश्य के लिए पर्याप्त एवं स्वीकार्य लगे तो वस्त्र उद्योग समिति एक बार में एक वर्ष की अवधि के लिए स्वीकृति प्रदान कर सकती है।

नोट:- स्वीकृति की गई इस अवधि में यदि वस्त्र उद्योग समिति किसी भी कारण से आवश्यक समझे तो उसे अकस्मिक जांच करने का अधिकार होगा।"

2. विनियम 11 को नया क्रमांक उप-विनियम (ए) दिया जाये एवं इस क्रमांक उप विनियम (ए) के बाद निम्न उप-विनियम जोड़े जाये जो कि:-

(बी) विदेशी सरकारी एजेंसी के क्रेता होने पर जहां उनके निरीक्षक अथवा प्रतिनिधि अथवा प्राधिकृत एजेंसी द्वारा जांच की गई हो तथा विनियम 4 के उपविनियम (सी) में उल्लिखित अवस्थाएं यदि संतोषजनक पाई जाये तो, कन्माईनमेंट के आधार पर ही उक्त निरीक्षक अथवा निर्यातक एजेंसी द्वारा स्वीकृति के प्रमाणपत्र प्रस्तुत करने पर वस्त्र उद्योग समिति का अधिकारी जिसे उसी उद्देश्य के लिए प्राधिकृत किया गया है, निर्यात के लिए स्वीकृति जारी कर सकता है।"

पाद टिप्पणी:- मूल विनियम/आदेश जो कि भारत के राजपत्र खण्ड III भाग 4 के पृष्ठ 833 पर अधिसूचना क्रं. एस. ओ. 30.9.1966 द्वारा प्रकाशित किये गए -

निम्नानुसार संशोधन किये गए हैं:-

1. अधिसूचना क्रं. एस. ओ. जनवरी 71,

2. अधिसूचना क्रं. 25011/19/71 टैक्स ए दिनांक 18-3-72

3. अधिसूचना क्रं. नहीं दि. 20-3-1975

[सं. 80 (18)/85-एडी]

S.O. 4771.—In exercise of the powers conferred on it under section 23 read with sub-clauses (c) and (d) of sub-section 2 of section 4 of the Textiles Committee Act, 1963 (41 of 1963), the Textiles Committee with the previous sanction of the Central Government, hereby makes the following Regulations to amend the Mill-made Cotton Yarn Inspection Regulations, 1966, namely :-

1. (1) These Regulations may be called the Mill-made Cotton Yarn Inspection (Amendment) Regulations, 1985.

(2) They shall come into force on the date of publication in the Official Gazette.

2. In the Mill-made Cotton Yarn Inspection Regulations, 1966—

(1) In Regulation 5, after sub-regulation (A), the following sub-regulation shall be added, namely :—

“(B) In case of purchase by Foreign Government Agency if its Inspector or its representative or authorised Agency inspects the material before shipment, the material may not be reinspected by the Committee, provided the following conditions are satisfied :

(i) A request is received from the Foreign Government or its authorised Agency that it wishes to carry out its own inspection in lieu of the inspection by the Textiles Committee according to these Regulations.

(ii) The Foreign Government Buying Agency also promises that it will not raise objection regarding quality once the goods have been accepted and cleared by its own Agency.

(iii) The minimum standards of inspection of the said Inspector/Agency and the methods and procedures adopted for inspection by such Inspector or Agency are adequate and acceptable to the Textiles Committee, for which purpose the Textiles Committee may grant recognition for one year at a time.

NOTE : During the period of recognition, the Textiles Committee shall have the right to conduct any surprise inspection if it is felt necessary to do so for any reason.”

(2) In Regulation 10, after sub-regulation (b), the following sub-regulation shall be added, namely :—

“(c) In case of purchase by a Foreign Government Agency where inspection is done by its Inspector or its representative or authorised Agency and the conditions mentioned in sub-regulation (B) of Regulation 5 are satisfied, an authorisation for export shall be issued by an Officer of the Committee authorised for the purpose, consignments-wise on production of a certificate of acceptance from the said Inspector or Agency by the exporter governing the consignment in question.”

#### FOOT NOTE

Principal Rules/Order published vide Notification No.

S.O. dt. 30-9-1966 Gazette of India dt. 15-10-1966

Part III Sec. 4 page 833.

Subsequently amended by

(i) Notification No. S.O. Jan '71.

(ii) Notification No. 25011/19/71-Tex.-A dt. 18-3-72

(iii) Notification No. Nil dt. 20-3-1975.

[No. 80(18)/85-AD]

का. आ. 4772—वस्त्र उद्योग समिति अधिनियम, 1963 (1963 का क्रमांक 41) की धारा 23 जो कि इसी अधिनियम की धारा 4 की उपधारा 2 के वर्ग (सी) एवं (डी) के साथ पठित है, के अधीन स्वयं को प्रदान की गई शक्तियों का प्रयोग करते हुए वस्त्र उद्योग समिति केन्द्रीय सरकार की पूर्वानुमति से मिल के बने सूती मेडअप आर्टिकल (तौलिए) जांच विनियम, 1969 में संशोधन हेतु निम्न विनियम बनाती है :—

1. (1) ये विनियम मिल के बने सूती मेडअप आर्टिकल (तौलिए) जांच (संशोधन) विनियम, 1985 कहलायेंगे।

(2) ये विनियम सरकारी राजपत्र में प्रकाशित होने के दिन से ही लागू होंगे।

2. मिल के बने सूती मेडअप आर्टिकल (तौलिए) जांच विनियम, 1969 में :—

(1) विनियम 4 में उप विनियम (बी) के पश्चात् निम्न उप विनियम जोड़े जायेंगे।

“(सी) विदेशी सरकारी एजेंसी के श्रेता होने के संदर्भ में यदि उनका ही निरीक्षक अथवा प्रतिनिधि अथवा प्राधिकृत एजेंसी ही लदान पूर्व माल का निरीक्षण करती है, तो समिति उस सामान की पुनः जांच नहीं करेगी, बशर्ते कि निम्न अवस्थाएं संतोषजनक हों :—

(1) विदेशी सरकार अथवा उनकी प्राधिकृत एजेंसी से यदि अनुरोध प्राप्त हुआ हो कि वे इन विनियमों के अनुसार वस्त्र उद्योग समिति की जांच के स्थान, पर, स्वयं जांच करना चाहते हैं।

(2) विदेशी सरकार की श्रेता एजेंसी यदि यह पुष्टि कर दे कि उनकी स्वयं की एजेंसी द्वारा स्वीकृत एवं पारित सामान की क्वालिटी पर वे आपत्ति नहीं उठाएंगे।

(3) उक्त निरीक्षक/एजेंसी द्वारा की गई जांच के निम्नतम मानक तथा विधि एवं प्रक्रियाएं यदि वस्त्र उद्योग समिति को उक्त उद्देश्य के लिए पर्याप्त एवं स्वीकार्य लगें तो वस्त्र उद्योग समिति एक बार में एक वर्ष की अवधि के लिए स्वीकृति प्रदान कर सकती है।

नोट :—स्वीकृत की गई इस अवधि में यदि वस्त्र उद्योग समिति किसी भी कारण से आवश्यक समझे तो उसे आकस्मिक जांच करने का अधिकार होगा।”

2. विनियम 10 में उप-विनियम (बी) के पश्चात् निम्न उप विनियम जोड़े :—

“(सी) विदेशी सरकारी एजेंसी के श्रेता होने पर जहाँ उनके ही निरीक्षक अथवा प्रतिनिधि अथवा प्राधिकृत एजेंसी द्वारा जांच की गई है तथा विनियम 4 के उप-विनियम (ई) में उल्लिखित अवस्थाएं यदि संतोषजनक पाई जायें तो उक्त निरीक्षक अथवा निर्यातक एजेंसी द्वारा स्वीकृति के प्रमाणपत्र प्रस्तुत किये जाने पर, कन्साईनमेंट के आधार पर ही वस्त्र उद्योग समिति का इसी उद्देश्य हेतु प्राधिकृत किया गया अधिकारी निर्यात हेतु स्वीकृति जारी कर सकता है।”

पाद टिप्पणी:—मूल विनियम/आदेश जहाँ कि भारत के राजपत्र खण्ड III भाग 4 के पृष्ठ 581 पर अधिसूचना क्र. एस. ओ. दिनांक जनवरी, 1971 द्वारा प्रकाशित किए गए हैं—

[सं: 80(18)/85-एड.]

के. आर. भाटी, सचिव,  
वस्त्र उद्योग समिति बम्बई

S.O. 4772.—In exercise of the powers conferred on it under section 23 read with sub-clauses (c) and (d) of sub-section 2 of section 4 of the Textiles Committee Act 1963 (41 of 1963), the Textiles Committee with the previous sanction of the Central Government, hereby makes the following regulations to amend the Mill-made Cotton Made-up Articles (Towels) Inspection Regulations, 1969, namely :—

1. (1) These Regulations may be called the Mill-made Cotton Made-up Articles (Towels) Inspection (Amendment) Regulations, 1985.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Mill-made Cotton Made-up Articles (Towels) Inspection Regulations, 1969—

- (1) In Regulation 4, after sub-regulation (b), the following sub-regulation shall be added, namely :—

“(c) In case of purchase by Foreign Government Agency if its Inspector or its representative or authorised Agency inspects the material before shipment, the material may not be reinspected by the Committee, provided the following conditions are satisfied :

- (i) A request is received from the Foreign Government or its authorised Agency that it wishes to carry out its own inspection in lieu of the inspection by the Textiles Committee according to these Regulations.
- (ii) The Foreign Government Buying Agency also promises that it will not raise objection regarding quality once the goods have been accepted and cleared by its own agency.
- (iii) The minimum standards of inspection of the said Inspector/Agency and the methods and procedures adopted for inspection by such Inspector or Agency are adequate and acceptable to the Textiles Committee, for which purpose the Textiles Committee may grant recognition for one year at a time.

NOTE : During the period of recognition, the Textiles Committee shall have the right to conduct any surprise inspection if it is felt necessary to do so for any reason.”

- (2) Regulation 11 shall be renumbered as sub-regulation (a) thereof and after sub-regulation (a) as so renumbered, the following sub-regulation shall be added, namely :—

“(b) In case of purchase by a foreign Government Agency where inspection is done by its Inspector or its representative or authorised Agency, and the conditions mentioned in sub-regulation (c) of Regulation 4 are satisfied, an authorisation for export shall be issued by an Officer of the Committee authorised for the purpose, consignment-wise on production of a certificate of acceptance from the said Inspector or Agency by the exporter governing the consignment in question”.

## FOOT NOTE

Principal Rules/Order published vide Notification No. S.O. dt. Jan. '71 Gazette of India dt. 13-2-1971 Part III Sec. 4 page 581.

[No. 80(18)/85-AD]

K. R. BHATI, Secy.

Textiles Committee, Bombay.

इस्पात, खान और कोयला मंत्रालय

(कोयला विभाग)

नई दिल्ली, 25 सितम्बर, 1985

शुद्धि-पत्र

का. आ. 4773:—भारत के राजपत्र तारीख 20 अप्रैल, 1985 के भाग 2, खंड 3, उप-खंड (ii) में पृष्ठ 2024 से 2026 पर प्रकाशित भारत सरकार के इस्पात, खान और कोयला मंत्रालय (कोयला विभाग) की अधिसूचना का. आ. सं. 1674 तारीख 1 अप्रैल, 1985 में:— पृष्ठ 2024 पर अधिसूचना में :

1. “रजस्व अनुभाग” के स्थान पर “राजस्व अनुभाग” पढ़िए । अनुसूची में :—

2. क्रम सं. 3 में ग्राम स्तम्भ में नीचे “भाटाडांड” के स्थान पर “भाटाडांड” पढ़िए ।

3. क्रम सं. 4 में समझौता सं. के नीचे “739” के स्थान पर “397” पढ़िए । पृष्ठ 2025 पर

4. क्रम सं. 13 में टिप्पणियाँ के नीचे “भाग” के स्थान “संपूर्ण” पढ़िए । और क्रम सं. 15 में “संपूर्ण” के स्थान पर “भाग” पढ़िए । और क्रम सं. 16 में “,” के स्थान पर “संपूर्ण” पढ़िए ।

5. क्रम सं. 20 में पटवारी हलका सं. के नीचे “21” के स्थान पर “20” पढ़िए ।

6. ड-च रेखा में “थानाग व” के स्थान पर “थानागव” पढ़िए ।

[सं. 43015/1/85-सी.ए.]

MINISTRY OF STEEL, MINES AND COAL

(Department of Coal)

New Delhi, the 25th September, 1985

## CORRIGENDUM

S.O. 4773.—In the notification of the Government of India in the Ministry of Steel, Mines and Coal (Department of Coal) No. S.O. 1674 dated the 1st April, 1985, published at pages 2024 to 2026 of the Gazette of India, Part-II, section 3, Sub-Section (ii), dated the 20th April, 1985 :—

At pages 2026 in the boundary description-Line F-G for “easter” read “eastern”.

[No. 43015/1/85-CA]

का. आ. :—केन्द्रीय सरकार ने, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20)

की धारा 7 की उपधारा (1) के अधीन भारत सरकार के उर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का. आ. 4326 तारीख 25 दिसम्बर, 1982 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि का अर्जन करने के अपने आशय की सूचना दी थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 8 के अनुरूप में अपनी रिपोर्ट केन्द्रीय सरकार को दे दी है ;

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने और बिहार सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित 1000.00 एकड़ (लगभग) या 404.68 हेक्टर (लगभग) माप की भूमि का अर्जन किया जाना चाहिए ;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त अनुसूची में वर्णित 1000.00 एकड़ (लगभग) या 404.68 हेक्टर (लगभग) माप की भूमि का अर्जन किया जाता है ।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक का निरीक्षण उपायुक्त रांची (बिहार) के कार्यालय में यह कोयला नियंत्रक 1 काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या सेंट्रल कोलफील्ड्स लिमिटेड (राजस्व अनुभाग) दरभंगा हाउस, रांची (बिहार) के कार्यालय में किया जा सकता है ।

### अनुसूची

चूरी विस्तारण ब्लाक

(उत्तर कर्णपुरा कोयला क्षेत्र)

ड्राइंग सं. राजस्व 25/83

तारीख 27-8-1983

(जिसमें अर्जित की गई भूमि दर्शित की गई है )

सभी अधिकार

क्र सं.	ग्राम	थाना सं.	थाना सं.	जिला	क्षेत्र	टिप्पणियाँ
1	2	3	4	5	6	7
1.	चूरी	बरमू	16	रांची	1000.00	भाग एकड़

कुल क्षेत्र : 1000.00 एकड़ (लगभग)  
या 404.68 हेक्टर (लगभग)

ग्राम चूरी में अर्जित किए गए प्लॉट संख्यांक :—

1 (भाग), 2, 3 (भाग), 4, 16 (भाग), 29 (भाग), 30 से 52, 53 (भाग), 70 (भाग), 85

(भाग), 99 (भाग), 100 से 114, 115 (भाग), 116 (भाग), 117, 118 (भाग), 137 (भाग), 138 (भाग), 139 से 143), 144 (भाग), 145 (भाग), 146 (भाग), 153 (भाग), 155 (भाग), 156 से 159, 160 (भाग), 161 (भाग), 162 से 166, 167 (भाग), 211 (भाग), 212 (भाग), 1304, 1315, 1316 और 1317.

सीमा वर्णन :

क—ख रेखा ग्राम चूरी में प्लॉट संख्यांक 212, 211 और 167 से होकर जाती है (जो मानकी कोयला खान के साथ भागतः सम्मिलित सीमा बनाती है) और बिन्दु "ख" पर मिलती है ।

ख—ग—घ रेखाएं ग्राम चूरी में प्लॉट संख्यांक 167, 138, 137, 138 144, 115, 146, 153, 155, 160, 161, 160, 167, 115, 116, 118, से होकर जाती है (जो चूरी कोयला खान के साथ भागतः सम्मिलित सीमा बनाती है) और बिन्दु "घ" पर मिलती है ।

घ—ङ रेखा सपही नदी की भागतः मध्य रेखा के साथ साथ जाती है (जो ग्राम चूरी और रे तथा चूरी और बचरा ग्रामों की भागतः सम्मिलित सीमा भी है) और बिन्दु "ङ" पर मिलती है ।

ङ—च रेखा ग्राम चूरी में प्लॉट संख्यांक 99, 85, 29, 70, 53, 29, 16, 3 और 1 से होकर जाती है (जो रे कोयला खान के साथ भागतः सम्मिलित सीमा बनाती है) और बिन्दु "च" पर मिलती है ।

च—क रेखा देवनद नदी की भागतः मध्य रेखा के साथ साथ जाती है (जो हजारी बाग और रांची की जिला सीमा का भाग भी है) और आरंभिक बिन्दु "क" पर मिलती है ।

[सं. 19/64/83—सीएल/सीए]

S.O. 4774:—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 4326 dated the 25th December, 1982, under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire the lands specified in the Schedule appended to that notification;

And whereas the competent authority, in pursuance of section 8 of the said Act, has made his report to the Central Government;

And whereas the Central Government, after considering the report aforesaid and after consulting the Government of

Bihar, is satisfied that the lands measuring 1000.00 acres (approximately) or 404.68 hectares (approximately) described in the schedule appended hereto should be acquired.

Now, therefore, in exercise of powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the lands measuring 1000.00 acres (approximately) or 404.68 hectares (approximately), described in the said Schedule are hereby acquired.

2. The plans of the area covered by this notification may be inspected in the Office of the Deputy Commissioner, Ranchi (Bihar) or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the Central Coalfields Limited, (Revenue Section), Darbhanga House, Ranchi, (Bihar).

#### SCHEDULE

Churi Extension Block  
(North Karanpura Coalfield)

Drg. No. Rev/25/83  
Dated : 27-8-1983  
(Showing lands acquired)

#### All Rights

Serial number	Village	Thana	Thana number	District	Area	Remarks
1.	Churi	Burmu	16	Ranchi	1000.00	Part
Total area :— 1000.00 acres (approximately) or 404.68 hectares (approximately)						

Plot numbers acquired in village Churi :—1 (Part), 2, 3 (Part), 4, 16 (Part), 29 (Part), 30 to 52, 53 (Part), 70 (Part), 85 (Part), 99(Part), 100 to 114, 115(Part), 116(Part), 117(Part), 118(Part), 137(Part), 138(Part), 139 to 143, 144(Part), 145(Part), 146(Part), 153(Part), 155(Part), 156 to 159, 160(Part), 161(Part), 162 to 166, 167(Part), 211(Part), 212(Part), 1304, 1315, 1316 and 1317.

#### Boundary description :—

- A—B line passes through plot number 212, 211 and 167 in village Churi (which form part common boundary with Manki Colliery) and meets at point 'B'.
- B—C—D lines pass through plot numbers 167, 138, 137, 138, 144, 145, 146, 153, 155, 160, 161, 160, 167, 115, 116, 118 in village Churi (which form part common boundary with Churi Colliery) and meets at point 'D'.
- D—E line passes along the part Central line of Saphi Nadi (which is also part common boundary with villages Churi and Ray and Churi and Bachra) and meets at point 'E'.
- E—F line passes through plot numbers 99, 85, 29, 70, 53, 29, 16, 3 and 1 in village Churi (which forms part common boundary with Ray Colliery) and meets at point 'F'.
- F—A line passes along the part Central line of River Deonod (which is also the part of district boundary of Hazaribagh and Ranchi) and meets at starting point 'A'.

[No. 19/64/83-CL/CA]

का. आ. 4775:—केन्द्रीय सरकार को यह प्रतीत होता है कि इसने उपायुक्त अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है

अतः, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है ;

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सं. राजस्व/17/85 तारीख 14 मार्च, 1985 का निरीक्षण सेन्ट्रल कोलफील्ड्स लिमिटेड (राजस्व अनुभाग) दरभंगा हाउस रांची (बिहार) के कार्यालय में या उपायुक्त, हजारी-वाग (बिहार) के कार्यालय में अथवा कोयला नियंत्रक, 1 काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है ।

इस अधिसूचना के अधीन आने वाले भूमि में हितबद्ध कोई व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चाटों और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर राजस्व अधिकारी, सेन्ट्रल कोलफील्ड्स लिमिटेड दरभंगा हाउस, रांची को भेजेगा ।

#### अनुसूची

सिरका विस्तारण 5

दक्षिण कर्णपुरा कोयला क्षेत्र

जिला हजारीवाग (बिहार)

पूर्वेक्षण के लिए अधिसूचित भूमि वर्णित की गई है ।

क्रम सं.	ग्राम	थाना सं.	थाना सं.	जिला	क्षेत्र	टिप्पणियां
1	2	3	4	5	6	7
1.	सिरका	मांडू	136	हजारी-वाग	122.00 भाग	

कुल क्षेत्र: 122.00 एकड़ (लगभग)  
या 49.37 हेक्टर (लगभग)

#### सीमा वर्णन :

- क—ख रेखा सिरका ग्राम से होकर जाती है ।
- ख—ग रेखा, दामोदर नदी की उत्तरी सीमा के भाग के साथ साथ जाती है ।
- ग—घ रेखा, सिरका ग्राम में दामोदर नदी की पश्चिमी सीमा के साथ साथ जाती है ।
- घ—क रेखा, सिरका ग्राम से होकर (सिरका कोयला खान की पट्टा सीमा के साथ साथ) जाती है ।

[स. 43015/19/85-गी. ए.]

S.O. 4775. Whereas it appears to the Central Government that Coal is likely to be obtained from the lands mentioned in the schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition & Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan No. Rev/17/85 dated the 14th March, 1985 of the area covered by this notification can be inspected at the Office of the Central Coalfields Limited (Revenue Section), Darbhanga House, Ranchi, or at the Office of the Deputy Commissioner, Hazaribagh (Bihar) or at the Office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Officer, Central Coalfields Limited, Darbhanga House, Ranchi, within ninety days from the date of publication of this notification.

#### SCHEDULE

##### Sirka Extension V

South Karanpura Coalfields

District Hazaribagh (Bihar)

(Showing lands notified for prospecting)

Serial number	Village	Thana	Thana number	District	Area	Remarks
1.	Sirka	Mandu	136	Hazaribagh	122.00	Part

Total Area 122.00 acres (approximately)  
or 49.37 hectares (approximately)

#### Boundary Description :

A—B line passes through village Sirka.

B—C line passes along the part northern boundary of River Damodar.

C—D line passes along the western boundary of the River Damodar in village Sirka.

D—A line passes through village Sirka (along lease boundary of Sirka Colliery).

JN- 43015/19/85-CAJ

का.आ. 4775. —केन्द्रीय सरकार ने, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन, भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का. आ. 3431 तारीख 3 सितम्बर, 1983 द्वारा उससे संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र में 3420.00 एकड़ (लगभग) या 1384.00 हेक्टर (लगभग) माप की भूमि का बाबत कोयले का पूर्वेक्षण करने अपने आशय की सूचना दी थी; और उक्त भूमि का बाबत, उक्त अधिनियम

का धारा 7 की उप-धारा (1) के अधीन कोई सूचना नहीं दी गई है;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 3 सितम्बर, 1985 से प्रारम्भ होने वाली एक वर्ष की और अवधि को ऐतः अवधि के रूप में विनिर्दिष्ट करती है जिसके अन्तर्गत केन्द्रीय सरकार उक्त भूमि या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन करने के अपने आशय की सूचना दे सकती है।

अनुसूची

मैदिनी राय ब्लाक

(हुंतार कोयला क्षेत्र)

झाड़ग संख्या राजस्व 12/83

तारीख 23-2-1983

(जिसमें पूर्वेक्षण के लिए अधिसूचित भूमि दर्शित की गई है)

क्रम सं.	ग्राम	अंचल	राजस्व
1.	मोरवाई खुर्द	बर्वाडीह	लातेहार
2.	मोरवाई कला	"	"
3.	बैरोचटन (बी)	"	"
	सुरक्षित वन		
4.	आरगढ़	"	"
5.	संदूप	"	"

थाना सं.	जिला	क्षेत्र	टिप्पणियाँ
35	पलामू	450.00	भीम
39	"	2630.00	"
—	"	65.00	"
52	"	270.00	"
53	"	5.00	"

कुल क्षेत्र 3420.00 एकड़ (लगभग)

या 1384.00 हेक्टर (लगभग)

#### सीमा वर्णन :

क—ख रेखा मोरवाई कला ग्राम से होकर जाती है (जो कोयला अधिनियम की धारा 9(1) के अधीन होरी लॉग ब्लॉक की भागस्तः सम्मिलित सीमा है) और बिन्दु "ख" पर मिलती है।

ख—ग रेखा मोरवाई कला और मोरवाई खर्द ग्रामों से होकर जाती है और बिन्दु "ग" पर मिलती है।

- ग-घ रेखा मोरवाई खुर्द और मोरवाई कलां ग्रामों से होकर जाती है और बिन्दु 'घ' पर मिलती है।
- घ-ङ रेखा मोरवाई कलां, जारगढ़ और साँदुप ग्रामों से होकर जाती है और बिन्दु 'ङ' पर मिलती है।
- ङ-च-छ-ज- रेखाएँ दूप, जारगढ़, बैरिचटन (ब) संरक्षित वन और मोरवाई कलां ग्रामों से होकर जाती है (जो कोयला अधिनियम की धारा 9(1) के अधीन मचेरकुंड ब्लॉक सम्मिलित सीमा है) और बिन्दु 'ज' पर मिलती है।
- ज-झ रेखा बैरिचटर (ए) आरक्षित वन और मोरवाई कलां ग्रामों की भागतः सम्मिलित सीमा से होकर जाती है (जो हुतार कोयला खान की सीमा की भागतः सम्मिलित सीमा है) और आरंभिक बिन्दु 'झ' पर मिलती है।

[फा.सं. 19/19/83-सी.एल./मा.ए.]/

S. O. 4776.—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 3431 dated the 3rd September, 1983 under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition & Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in lands measuring 3420.00 acres (approximately) or 1384.00 hectares (approximately) in the locality specified in the schedule appended hereto;

And whereas in respect of the said lands, no notice under sub-section (1) of section 7 of the said Act has been given.

Now, therefore, in exercise of the powers conferred by the said sub-section (1) of section 7, the Central Government hereby specifies a further period of one year commencing from the 3rd September, 1985 as the period within which the Central Government may give notice of its intention to acquire the said lands or any rights in or over such lands.

## SCHEDULE

Medeni Rai Block  
(Hutar Coalfields)

Drg. No. Rev/12/83

Dated. 23-2-83

(Showing lands notified for prospecting)

Serial No.	Village	Auchal	Revenue	Thana number	District	Area	Remarks
1.	Morwai Khurd	Barwadih	Lathohar	35	Palamau	450.00	Part
2.	Morwai Kalan	"	"	39	"	2630.00	"
3.	Barichatan (B) P.F.	"	"	"	"	65.00	"
4.	Jargarh	"	"	52	"	270.00	"
5.	Saidup	"	"	53	"	5.00	"

Total area :— 3420.00 acres (approximately)  
or 1384.00 Hectares (approximately)

## Boundary description :

- A—B line passes through village Morwai Kalan (which forms part common boundary of Horilong block U/s 9(1) of the Coal Act) and meets at point 'B'.
- B—C line passes through villages Morwai Kalan and Morwai Khurd and meets at point 'C'.
- C—D line passes through villages Morwai Khurd and Morwai Kalan and meets at point 'D'.
- D—E line passes through villages Morwai Kalan, Jargarh and Saidup and meets at point 'E'.
- E—F lines pass through villages Saidup, Jargarh, Barichatan(B) P.
- G—H F. and Morwai Kalan (which forms part common boundary of Macherkunda Block U/s 9(1) of coal act and meet at point 'H'.
- H—A line passes part common boundary of villages Barichatan (A) reserved forest and Morwai Kalan (which forms part common boundary of Hutar Colliery boundary) and meets at starting point 'A'.

[F.No. 19/19/83-CL/CA]

का.आ. 4777:—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है,

यतः केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वक्षण करने के अपने आशय की सूचना देती है;

इस अधिसूचना के अधीन जाने वाले क्षेत्र के रेखांक का निरीक्षण सेंट्रल कोलफील्ड्स लि. (राजस्व अनुभाग), दरभंगा हाउस, रांची के कार्यालय में या उपायुक्त, गिरीडीह (बिहार) के कार्यालय में अथवा कोयला नियंत्रक, काउन्सिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चाटों और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, राजस्व अधिकारी, सेंट्रल कोलफील्ड्स लि., दरभंगा हाउस, रांची को भेजेगा।

## अनुसूची

माकोली ब्लॉक 1 और 2  
पूर्वी बोकारो कोयला क्षेत्र  
जिला गिरीडीह (बिहार)

डाईंग सं. राजस्व/21/85

तारीख 16-4-1985 (जिसमें पूर्वक्षण करने के लिए अधिसूचित की जाने वाली भूमि दर्शित की गई है)

## ब्लॉक 1

बनाती है) और बिन्दु 'ब' पर मिलती है :

क्र. सं.	ग्राम	थाना	थाना सं.	जिला	क्षेत्र	टिप्पणियां
1.	माकोली	नवडीह	69	गिरिडीह	270.00	भाग

(बेरमो)

कुल क्षेत्र : 270.00 एकड़ (लगभग)

या 109.26 हेक्टर (लगभग)

[मं. 43015/15/85-सी ए]

समय सिंह, अवर सचिव

S. O. 4777. —Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan of the area covered by this notification can be inspected at the office of the Central Coalfields Limited (Revenue Section), Darbhanga House, Ranchi, or at the Office of the Deputy Commissioner, Giridih (Bihar), or at the Office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Officer, Central Coalfields Limited, Darbhanga House Ranchi, within 90 days from the date of publication of this notification in the Official Gazette.

## SCHEDULE

Makoli Block I & II Drg. No. Rev/21/85  
East Bokaro Coalfield Dated 16-4-85  
Distt. Giridih (Bihar) (Showing lands to be notified for prospecting).

क-ख रेखा, माकोली ग्राम से होकर जाती है (जो नई चुनी गई धोरी कोयला खान की भागत: सम्मिलित सीमा बनाती है और बिन्दु 'ख' पर मिलती है।

ख-ग रेखा, दामोदर नदी के भागत: बाएं किनारे के साथ-साथ जाती है (जो नई चुनी गई धोरी कोयला खान की भागत: सम्मिलित सीमा बनाती है) और बिन्दु 'ग' पर मिलती है।

क-घ-ङ रेखा, माकोली ग्राम से होकर जाती है (जो नई चुनी गई धोरी कोयला खान की भागत: सम्मिलित सीमा बनाती है) और आरंभिक बिन्दु 'क' पर मिलती है।

## ब्लॉक

क्रम सं.	ग्राम	थाना	थाना सं.	जिला	क्षेत्र	टिप्पणियां
1.	माकोली	नवडीह	69	गिरिडीह	85.00	भाग

(बेरमो)

कुल क्षेत्र 85.00 एकड़ (लगभग)

या 34.40 हेक्टर (लगभग)

## सीमा वर्णन

च-छ रेखा, माकोली ग्राम से होकर जाती है (जो नई चुनी गई धोरी कोयला खान की भागत: सीमा बनाती है और बिन्दु 'छ' पर मिलती है।

छ-ज रेखा, माकोली ग्राम से होकर जाती है (जो नई चुनी गई धोरी कोयला खान की भागत: सीमा बनाती है) और बिन्दु 'ज' पर मिलती है।

ज-झ-ञ रेखा माकोली ग्राम से होकर जाती है (जो कोयला अधिनियम की धारा 9(1) के अधीन अंकित गुंजारडीह ब्लॉक की भागत: सम्मिलित सीमा

Block-I	Serial number	Village	Thana	Thana number	Dist-rikt	Area	Re-marks
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1.	Makoli	Nawadih (Bermo)	69	Giridih	270.00	Part
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Total area :— 270.00 acres (approximately)  
or 109.26 hectares (approximately)

## Boundary description :—

A—B Line passes through village Makoli (which forms part common boundary of New Selected Dhori Colliery) and meets at point 'B'.

B—C Line passes along the part left Bank of River Damodar (which forms part common boundary of New Selected Dhori Colliery) and meets at point 'C'.

C—D—E—A Lines pass through village Makoli (which forms part common boundary of New Selected Dhori Colliery) and meets at starting point 'A'.

## Block-II

Serial number	Village	Thana	Thana number	Dist-rikt	Area	Re-marks
1.	Makoli	Nawadih (Bermo)	69	Giridih	85.00	part

Total area :— 85.00 acres (approximately)  
or 34.0 hectares (approximately)

## Boundary description:—

F—G Line passes through village Makoli (which forms part boundary of New Selected Dhori Colliery) and meets at point 'G'.



G—H lines pass through village Makoli (which forms part common boundary of Select'd Dhori Colliery) and meets at point 'H'.

H—I—I—F lines pass through village Makoli (which forms part common boundary of Gunjardih Block acquired u/s 9(1) of the Coal Act) and meets at starting point 'F'.

[No. 43015/15/85-CA]

SAMAY SINGH, Under Secy.

नई दिल्ली 25 सितम्बर, 1985

का.आ. 4778:—केन्द्रीय सरकार ने, कोयला धारक क्षेत्र (अर्जन और विभाग) अधिनियम, 1957 (1957 का 20) की धारा 7 की उपधारा (1) के अधीन ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का.आ. 3825 तारीख 26 सितम्बर, 1983 द्वारा उप अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र में भूमि का अर्जन करने के अपने अग्रिम की सूचना दी थी।

और महम प्राविगारी ने, उक्त अधिनियम की धारा 8 के अनुसरण में अपनी रिपोर्ट केन्द्रीय सरकार को दे दी है;

और केन्द्रीय सरकार का, पूर्वार्थ रिपोर्ट पर विचार करने और पश्चिमी बंगाल सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित 919.45 ए.इ. (लगभग) या 372.05 हेक्टर (लगभग) माप की भूमि का अर्जन किया जाना चाहिए;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त अनुसूची में वर्णित 919.45 ए.इ. (लगभग) या 372.05 हेक्टर (लगभग) माप की भूमि में खनिजों के खनन, उत्खनन, वेधन, खोदने, खोजने और उन्हें प्राप्त करने, खुदाई करने और ले जाने के अधिकार का अर्जन किया जाता है।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सं. एल.आर./1928 तारीख 18 मार्च, 1984 का निरीक्षण जलक्टर बर्देवान (पश्चिमी बंगाल) के कार्यालय में या कोयला निर्यात-1 गठनित हाउस स्ट्रीट, राजस्त्ता के कार्यालय में या निदेशक (निगमित योजना और परियोजनाएं) ईस्टर्न कोनफील्ड लि. से टोरिया, डाकघर दिशेराइ जिला बर्देवान (पश्चिमी बंगाल) के कार्यालय में किया जा सकता है।

अनुसूची

बड़ा डिगारी ब्लॉक

राजीवजी कोयला क्षेत्र

सभी अधिकार

क्रम सं.	मोजा (ग्राम)	थाना संख्या	पुनित थाना	जिला	क्षेत्र ए.इ. में	टिप्प-ण्यां
1	2	3	4	5	6	7
1.	छोटा डिगारी	53	हीरापुर	बर्देवान	241.00	पूर्ण

1	2	3	4	5	6	7
2.	बड़ा डिगारी	54	हीरापुर	बर्देवान	489.25	पूर्ण
3.	शनमारा	55	हीरापुर	बर्देवान	189.20	पूर्ण
कुल क्षेत्र					919.45 ए.इ.	(लगभग)
या					372.05 हेक्टर	(लगभग)

1. मोजा छोटा डिगारी में अर्जित किए गए प्लॉट संख्यांक

1 से 253, 124/255, 15/258, 122/256, 23/269, 22/260, 22/261, 22/262, 47/263, 46/264, 7/265, 132/266, 15/267, 18/268, 20/269, 22/270, 22/271, 22/272, 22/273, 22/274, 22/275, 22/276, 22/277, 50/278, 50/279, 93/280, 93/281, 93/282, 93/283, 93/284, 93/285, 93/286, 93/287, 93/288, 93/289, 104/290, 120/297, 123/298, 132/290, 224/300, 232/301, 235/302, 244/303, 17/305, 18/306, 172/307, 235/308, 198/309, 25/310, 26/111, और 130/312,

2. मोजा बड़ा डिगारी में अर्जित किए गए प्लॉट संख्यांक :

1 से 172, 174, 175, 177, 180 से 802, 9/1305, 9/1216, 6/1215, 4/1214, 2/1217, 42/1298, 527/1197, 236/1162, 240/1223, 240/1224, 740/1168, 42/1297, 668/1234, 669/1213, 659/1233, 275/1221, 275/1222, 1/1220, 302/1303, 302/1304, 309/1227, 561/1301, 603/1302, 525/1233, 525/1232, 494/1164, 491/1172, 1173 से 1179, 497/1180, 498/1181, 516/1182, 1183, 1184, 1185, 517/1186, 1187 से 1191, 518/1192, 1193, 519/1194, 1195, 526/1196, 527/1197, 529/1198, 528/1199, 434/1200, 561/1301, 210/1300, 128/1158, 388/1231, 388/1230, 414/1218, 1/1219, 470/1229, 432/1169, 347/1163, 327/1228, 230/1225, 1226, 187/1306, 188/1307, 379/1203, 623/1204, 659/1213, 803 से 831, 834 से 871, 885 से 1152, 1141/1153, 1119/1154, 865/1156, 834/1157, 1118, 1161, 1003/1169, 1119/1170, 1119/1171, 1115/1160, 1082/1208, 1024/1209, 1025/1210, 1087/1211, 1062/1212, 860/1241, 862/1242, 863/1243, 908/1244, 908, 1245, 909/1246, 933/1247, 948/1248, 948/1249, 970/1250, 1004/1252, 1015/1253, 1015/1254, 1016/1255, 1016/1256, 1093/1257, 1095/1259, 1117/1260, 1117/1261, 1116/1262, 1118/1263, 1120/1264,

1121/1265, 1122/1266, 1141/1267, 1141/1268,  
1141/1269, 1141/1270, 1141/1271,  
1141/1272, 1141/1273, 1141/1274, 1141/1276,  
1142/1277, 1142/1278, 1152/1279,  
1152/1280, 1152/1281, 1152/1282, 1152/1283,  
1152/1284, 1146/1285, 1146/1286, 1011/1287,  
1119/1288, 1110/1289, 1010/1290, 827/1292,  
1020/1294, 1084/1295 और 827/1296.

### 3. मौजा शनमारा में अजित किए गए प्लाट संख्यांक :

1, 1/434, 1/435, 1/436, 1/437, 1/438, 2 से  
8, 8/432, 8/433, 9 से 36, 36/439, 36/440,  
36/441, 36/442, 36/443, 36/444, 36/445, 36/446,  
36/447, 26/448, 36/449, 37 से 49, 42/474, 42/475,  
42/476, 49/478, 49/536, 49/453, 49/54, 49/455,  
49/456, 49/457, 44/450, 46/451, 46/452,  
12/464, 12/465, 14/466, 14/467, 15/468,  
14/469, 14/470, 14/471, 21/472, 21/473,  
12/464, 12/465, 14/466, 14/467, 14/468,  
14/469, 14/470, 14/471, 21/472, 21/473,  
12/547 60 से 76, 76/485, 76/486, 76/487,  
77 से 89, 89/458, 89/459, 90 से 95, 95/461,  
95/462, 95/546, 96, 97/98, 98/488, 99 से 102,  
102/489, 103 से 110, 106/490, 106/491, 111  
से 146, 146/492, 147 से 175,  
175/493, 176 से 180, 180/494, 180/495  
180/496, 180/497, 180/498, 180/499, 180/500,  
181 से 185, 185/501, 186, 186/502, 186/537,  
187 से 194, 194/503, 195, 196, 196/504,  
196/505, 197 से 206, 212, 212/509,  
213 से 217, 217/511, 218, 218/513, से 219 से  
223, 223/513, 223/514, 224/231/518, 231/519,  
225, 225/515, 225/516, 226, 226/517, 227 से  
231, 226/544, 227/545, 225/543, 218/542, 217/  
541, 214/540, 213/539, 212/538, 232 से 250,  
250/520, 251, 259, 259/522, 259/523, 254/  
521, 260 से 271, 268/524, 272,  
274, 272/532, 273/533, 273/534, 274 से 316,  
316/525, 317 से 367, 367/526, 368 से 374,  
374/527, 375 से 389, 389/528,  
389/529, 389/530, 390 से 399, 399/535, 400  
से 417, 417/531, 418 से 428, 262/460, 371/  
463, 430 और 431 ।

### सीमा वर्णन :

क-ख-ग-घ रेखाएं मौजा बड़ा डिगरी की उत्तरी  
सीमा के साथ-साथ जाती है और बिन्दु  
'घ' पर मिलती हैं ।

घ-ङ-च रेखाएं, मौजा छोटा डिगरी की उत्तरी

सीमा के साथ-साथ जाती है और बिन्दु  
'च' पर मिलती है ।

च-छ-ज रेखाएं, मौजा छोटा डिगरी की पूर्वी  
सीमा के साथ-साथ जाती है और बिन्दु  
'ज' पर मिलती है ।

ज-झ-ट रेखाएं मौजा बड़ा डिगरी की भागतः दक्षिणी  
सीमा के साथ-साथ जाती है और बिन्दु  
'ट' पर मिलती है ।

ट-ठ-ड-ढ-ण-त रेखाएं मौजा शनमारा की पूर्वी और  
दक्षिणी सीमा के साथ-साथ जाती है और  
बिन्दु 'त' पर मिलती है ।

-धरख रेखाएं, मौजा बड़ा डिगरी की भागतः  
दक्षिणी सीमा के साथ-साथ जाती है और  
बिन्दु 'र' पर मिलती है ।

द-ध-प-फ-ब-भ-क रेखाएं, मौजा बड़ा डिगरी की पश्चिमी  
सीमा के साथ-साथ जाती है और आरंभिक  
बिन्दु 'क' पर मिलती है ।

[सं. 43019/13/84-सी.ए.]

टी. सी. ए. श्रीनिवासन, निदेशक

New Delhi, the 25th September, 1985

S.O. 4778.—Whereas by the notification of the Government of India in the Ministry of Energy (Department of coal), No. S.O. 3826 dated the 26th September, 1983 under sub-section (1), of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire the lands in the locality specified in the schedule appended to that notification;

And whereas the competent authority in pursuance of Sec. 8 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the report aforesaid and after consulting the Government of West Bengal is satisfied that lands measuring 919.45 acres (approximately) or 372.05 hectares (approximately) described in the schedule appended hereto should be acquired;

Now, therefore in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the rights to mine quarry bore dig and search for, win, work and carry away minerals in the lands measuring 919.45 acres (approximately) or 372.05 hectares (approximately) described in the said schedule are hereby acquired.

2. The plan No. LR/1928A dated the 18th March 1984 of the area covered by this notification may be inspected in the office of the Collector, Burdwan (West Bengal) or in the office of the Coal Controllor 1, Council House street, Calcutta or in the office of the Director (Corporate planning and Projects), Eastern Coalfields Ltd. Sanctoria, Post office, Dishergrah, District-Burdwan (West Bengal).

## SCHEDULE

BARADIGARI BLOCK RANIGANJ COALFIELDS  
MINING RIGHTS :

S.No. Mouza (Village)	Thana number	Police station (Thana)	District	Area in acres	Remarks
1. Choto Digari	53	Hirapur	Burdwan	241.00	Full
2. Bara Digari	54	Hirapur	Burdwan	489.25	Full
3. Shanmara	55	Hirapur	Burdwan	189.20	Full
Total Area				919.45	Acres
				(Approximately)	
				or 372.05	hectares
				(Approximately)	

1. Plot numbers acquired in mouza choto Digari : 1 to 253, 124/255, 122/256, 15/258, 23/269, 22/260, 22/261, 22/262, 47/263, 46/264, 7/265, 132/266, 15/267, 18/268, 20/269, 22/270, 22/271, 22/272, 22/273, 22/274, 22/275, 22/276, 22/277, 0/278, 50/279, 93/280, 93/281, 93/282, 93/283, 93/284, 92/285, 93/286, 93/287, 93/288, 93/289, 104/290, 120/279, 123/298, 123/290, 224/300, 232/301, 235/302, 244/303, 17/305, 18/306, 17/307, 235/308, 196/309, 25/310, 26/311, and 130/312.

2. Plot numbers acquired in mouza Bara Digari : 1 to 172, 174, 175, 177, 180, to 802, 9/1305, 9/1316, 6/1215, 4/1214, 2/1217, 42/1298, 51/1197, 236/1162, 240/1223, 240/1224, 740/1168, 45/1297, 668/1234, 669/1213, 659/1233, 275/1221, 275/1222, 1/1110, 302/1303, 302/1304, 309/1227, 561/1301, 603/1302, 525/1233, 515/1232, 494/1164, 491/1172, 1173 to 1179, 497/1180, 498/1181, 516/1182, 1183, 1184, 1185, 517/1186, 1187 to 1191, 518/1192, 1193, 519/1194, 1195, 526/1196, 527/1197, 529/1198, 528/1199, 534/1200, 561/1301, 210/1300, 128/1158, 368/1231, 388/1230, 414/1218, 1/1219, 470/1229, 432/1169, 347/1163, 327/1228, 230/1225, 1226, 187/1306, 188/1307, 379/1203, 623/1204, 659/1213, 803, to 831, 834 to 871, 885 to 1152, 1141/1153, 1119/1154, 865/1156, 834/1157, 1118/1161, 1003/1169, 1119/70, 1119/1171, 1115/1160, 1082/1208, 1024/1209, 1025/1210, 1087/1211, 1062/1212, 860/1241, 862/1242, 863/1243, 908/1244, 908/1245, 909/1246, 933/1247, 948/1248, 948/1249, 970/1250, 1004/1251, 1004/1252, 1015/1253, 1015/1254, 1016/1255, 1016/1256, 1093/1255, 1095/1259, 1117/1260, 1117/1261, 1116/1262, 1118/1263, 1120/1264, 1121/1265, 1222/1266, 1141/1267, 1141/1268, 1141/1269, 1141/1270, 1141/1271, 1141/1272, 1141/1273, 1141/1274, 1141/1276, 1142/1277, 1142/1278, 1152/1279, 1152/1280, 1152/1281, 1152/1282, 1152/1283, 1152/1284, 1146/1285, 1146/1286, 1011/1287, 1119/1288, 1110/1289, 1110/1290, 1010/1290, 827/1292, 1020/1294, 1064/1295, and 827/1296.

3. Plot numbers acquired in Mouza Shanmara : 1, 1/434, 1/435, 1/436, 1/437, 1/438, 2 to 8, 8/432, 8/433, 9 to 36, 36/439, 36/440, 36/441, 36/42, 36/443, 36/444, 36/445, 36/446, 36/447, 36/448, 36/449, 37 to 49, 42/474, 42/475, 42/476, 49/478, 49/536, 49/453, 12/454, 49/455, 49/456, 49/457, 44/450, 46/451, 46/452, 12/464, 12/465, 14/466, 14/467, 14/468, 14/469, 14/470, 14/471, 21/472, 21/473, 12/464, 12/465, 14/466, 14/467, 14/468, 14/469, 14/470, 14/471, 21/472, 21/473, 12/547, 60 to 76, 76/485, 76/485, 76/487, 77 to 89, 89/458, 89/459, 90 to 95, 95/461, 95/462, 95/466, 96, 97/98, 98/488, 99 to 107, 107/489, 103 to 110, 106/490, 106/481, 111 to 146, 146/492, 147 to 175, 175/493, 176 to 180, 180/494, 180/495, 180/496, 180/497, 180/498, 180/499, 180/500, 181 to 185, 185/501, 186, 186/

502, 186/537, 187 to 194, 194/503, 195, 196, 96/504, 196/505, 197 to 206, 212/509, 213 to 217, 217/511, 218, 218/513, 219, to 223, 223/513, 223/514, 224/231/518, 231/519, 225, 225/515, 225/516, 226, 226/517, 227 to 231, 226/544, 227/545, 225/543, 218/542, 217/541, 214/540, 213/539, 21/531, 232 to 250, 250/52, 251, 259, 259/522, 259/503, 254/521, 260 to 271, 268/524, 272, 274, 272/532, 273/533, 273/534, 274/531, 316, 316/525, 317 to 367, 367/526, 368 to 374, 374/527, 375 to 389, 389/528, 389/529, 389/530, 390 to 399, 399/535, 400 to 417, 417/531, 418 to 428, 262/460, 371/463, 430 and 431. Boundary Description:

A-B-C-D	Lines pass along the northern boundary of mouza Bara Dighari and meet at point 'D'.
D-E-F	Lines pass along the northern boundary of Mouza Choto Digari and meet at point 'F'.
F-G-H	Lines pass along the eastern boundary of Mouza Choto Dighari and meet at point 'H'.
E-I-J-K	Lines pass along part southern boundary of Mouza Bara Dighari and meet at point 'D'.
K-L-M-N-O-P	Lines pass along eastern and southern boundary of Mouza Shanmara and meet at point 'P'.
P-Q-R	Lines pass along part southern boundary of Bara Dighari and meet at point 'R'.
R-S-T-U-V-W-X-A	Lines pass along the western boundary of Mouza Bara Dighari and meet at the starting point 'A'.

[No. 43019/13/84-CA]

T.C. SRINIVASAN, Director

स्वास्थ्य और परिवार कल्याण मंत्रालय

( स्वास्थ्य विभाग )

नई दिल्ली, 12 सितम्बर, 1985

को. आ. 4779:--केन्द्रिय सरकार, सरकारों स्थान (अप्रतिष्ठित अधिभोगियों को वेदखला) अधिनियम, 1971 (1971 का 40) का धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, डा. एच. सी. अग्रवाल, निदेशक, केन्द्रिय स्वास्थ्य शिक्षा ब्यूरो को, जो सरकार के राजपत्रित अधिकारी हैं उक्त अधिनियम के प्रयोगों के लिए सम्पदा अधिकारी नियुक्त करता है और यह निदेश देता है कि उक्त अधिकारी, केन्द्रिय स्वास्थ्य शिक्षा ब्यूरो, कोडला रोड टेम्पुल लेन, नई दिल्ली के या उसके द्वारा या उसका ओर से पट्टे पर लिए गये या अधिगृहीत किये गये और उक्त कार्यालय के प्रशासनिक नियंत्रण के अधीन सरकारों स्थानों का बाबत उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और उनको अधिरोपित कर्तव्यों का पालन करेगा।

[संख्या डी-11011/4/85-सी० एच० ई० बी० (पो एच)]

कुमारो शोभना मुकुन्दगुणियन, अव. सचिव

## MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 12th September, 1985.

S.O. 4779.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints Dr. H. C. Agarwal, Director, Central Health Education Bureau, being a Gazetted Officer of the Government, as the Estate Officer for the purposes of the said Act and directs that the said Officer shall exercise the powers conferred and perform the duties imposed on Estate Officers by or under the said Act, in respect of the public premises belonging to, or taken on lease or requisitioned by or on behalf of the Central Health Education Bureau, Kotla Road, Temple Lane, New Delhi and under the administrative control of the said office.

[No. D. 11011/4/85-CHEB/PH]

KUM. SHOBHANA SUBRAMANIAN, Under Secy.

नई दिल्ली, 18 सितम्बर, 1985

का. आ. 4780 :- भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 162) की धारा 20 की उपधारा (1), (2) और (3) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारतीय आयुर्विज्ञान परिषद् के सदस्यों में से स्नाकोत्तर चिकित्सा शिक्षा समिति का 2 सितम्बर, 1985 से गठन करती है जिसमें निम्नलिखित सदस्य होंगे अर्थात् :-

केन्द्रीय सरकार द्वारा नामित

1. डा. डी. बी. विष्ट  
स्वास्थ्य सेवा महानिदेशक  
नई दिल्ली।
2. डा. (श्रीमती) एस. भार्गव,  
निदेशक, अखिल भारतीय आयुर्विज्ञान  
संस्थान, नई दिल्ली।
3. डा. (श्रीमती) ललिता कामेश्वरन,  
निदेशक, चिकित्सा शिक्षा,  
तमिलनाडु, मद्रास।
4. डा. नसीम अंसारी,  
प्रोफेसर आफ सर्जरी,  
जे. एन. मेडिकल कालेज,  
अलोगढ़।
5. डा. मुखोपाध्याय,  
उपध्यक्ष भारतीय आयुर्विज्ञान परिषद,  
सैदापुर रोड, पटना-4
6. डा. अंजनेयलु,  
ओसमानिया मेडिकल कालेज,  
हैदराबाद  
भारतीय आयुर्विज्ञान परिषद द्वारा निर्वाचित
1. डा० पी० सुकुमारन, एम. एस. डी. एल. ओ.,  
कान, नाक, गले के प्रोफेसर, मेडिकल कालेज,  
त्रिवेन्द्रम।

2. डा. आर. के. मेण्डा, एफ. आर. सी. एस.,  
अमरचन्द मानसन, मैडम कामा रोड,  
बम्बई-39

3. डा. बी. के. आनन्द, एम. डी.  
निदेशक, शेरे कश्मीर,  
इन्स्टीट्यूट आफ मेडिकल साइंसेस,  
श्रीनगर।

[सं. बा. 11019/1/85—एम. ई. (पा.)]  
चन्द्र भान, अवर सचिव

New Delhi, the 18th September, 1985

S.O. 4780.—In pursuance of sub-Section (1), (2) and (3) of section 20 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby constitutes with effect from the 2nd September, 1985, from among the members of the Medical Education Committee consisting of the following members, namely :—

## NOMINATED BY THE CENTRAL GOVERNMENT

1. Dr. D. B. Bist, Director General of Health Services,  
New Delhi.
2. Dr. (Mrs.) S. Bhargava, Director, All India Institute  
of Medical Sciences, New Delhi.
3. Dr. (Smt.) Lalitha Kameswaran, Director of Medical  
Education, Tamil Nadu, Madras.
4. Dr. Nasim Ansari, Professor of Surgery, J. N. Medi-  
cal College, Aligarh.
5. Dr. B. Mukhopadhyaya, Vice President, Medical  
Council of India, Saidapur Road, Patna-4.
6. Dr. Anjaneyalu, Osmania Medical College, Hyderabad,  
Elected by the Medical Council of India.
1. Dr. P. Sukumaran, MS, DLO, Professor of E.N.T.,  
Medical College, Trivandrum.
2. Dr. R. K. Menda, F.R.C.S., Amarchand Mansien  
Madame Cama Road, Bombay-39.
3. Dr. B. K. Anand, M.D., Director, Sher-i-Kashmir,  
Institute of Medical Sciences, Srinagar.

[No. V-11019/1/85-ME (P)]  
CHANDER BHAN, Under Secy.

पर्यटन और नागर विमानन मंत्रालय

(नागर विमानन विभाग)

नई दिल्ली, 23 सितम्बर, 1985

का. आ. 4781 :- भारत अन्तर्राष्ट्रीय विमानपत्तन प्राधिकरण अधिनियम, 1971 (1971 का 43) की धारा 3 की उपधारा 3 में प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्वारा श्री एम. बी. एन. राव, सदस्य (सीमा शुल्क) को तत्काल से, भारत अन्तर्राष्ट्रीय विमानपत्तन प्राधिकरण के निदेशक मंडल में अंश कालिक सदस्य के रूप में नियुक्त करती है।

2. श्री राव का कार्यकाल 3 वर्ष की अवधि के लिए अथवा उनकी सेवा निवृत्ति की तारीख तक अथवा उनके वर्तमान पद को छोड़ने तक, जो भी पहले हो, उस समय तक होगा।

[संख्या ए. बी. 24027/1/85—ए ए (वित्त—II)]  
एस. सी. कोहली, वित्त नियंत्रक

## MINISTRY OF TOURISM &amp; CIVIL AVIATION

(Department of Civil Aviation)

New Delhi, the 23rd September, 1985

S.O. 4781.—In exercise of the powers conferred by sub-section 3 of Section 3 of the International Airports Authority Act, 1971 (43 of 1971), the Central Government hereby appoint Shri M. V. N. Rao, Member (Customs) as part-time Member of the Board of International Airports Authority of India with immediate effect.

2. The tenure of Shri Rao will be for a period of 3 years, or till the date of retirement or demitting the present office whichever is the earliest.

(No. AV. 24027/1/85-AA (F. II))

S. C. KOHLI, Financial Controller.

श्रम मंत्रालय

नई दिल्ली, 24 सितम्बर, 1985

का. आ. 4782:—केन्द्रीय सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (ग) के अनुसरण में श्री अनिल बोर्डिया के स्थान पर कुमारी मोरा सेठ अपर सचिव, भारत सरकार श्रम मंत्रालय, नई दिल्ली को कर्मचारी राज्य बीमा निगम के सदस्य के रूप में नाम निर्दिष्ट किया है;

अतः अब केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 545(अ) दिनांक 25 जुलाई, 1985 में निम्नलिखित संशोधन करती है अर्थात्:—

उक्त अधिसूचना में (केन्द्रीय सरकार द्वारा धारा 4 के खण्ड (ग) के अधीन नाम निर्दिष्ट (शेष के तहत) मद्द 3 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

“कुमारी मोरा सेठ,

अपर सचिव

भारत सरकार, श्रम मंत्रालय,

नई दिल्ली।”

[संख्या यू. --16012/4/85--एस. एस-1]

## MINISTRY OF LABOUR

New Delhi, the 24th September, 1985

S.O. 4782.—Whereas the Central Government has in pursuance of clause (c) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Miss Meera Seth, Additional Secretary to the Government of India, Ministry of Labour, New Delhi as a member of the Employees' State Insurance Corporation, in place of Shri Anil Bordia;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour S.O. No. 545(E) dated the 25th July, 1985 namely:—

In the said notification, under the heading “(Nominated by the Central Government under clause (c) of section 4)”

for the entry against serial Number 3 the following entry shall be substituted, namely:—

“Miss Meera Seth,  
Additional Secretary  
Government of India,  
Ministry of Labour  
New Delhi.”

[No. U-16012/4/85-SS-I]

नई दिल्ली, 25 सितम्बर, 1985

का. आ. 4783:—मैसर्स विश्वनाथ जो. पाटिल, कन्टेनर क्वार्टर नं. 3/12, मध्य प्रदेश हाउसिंग बोर्ड कालोनी नन्दनी रोड, भिलाई, मध्य प्रदेश (एम. पी./3131) (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकरण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक् अभिदाय या प्रीमियम का सन्दाय किए बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं, जो कर्मचारी निक्षेप सहमद्धी बीमा स्कीम, 1976 (जिसे इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुज्ञेय हैं;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इसे से उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए उक्त स्थापन को तीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

## अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त मध्य प्रदेश का ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निर्दिष्ट करें।

2. नियोज, ऐसे निरीक्षण प्रभारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर सन्दाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3क) के खण्ड (क) के अधीन समय-समय पर निर्दिष्ट करें।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का सन्दाय, लेखाओं का अन्तरण, निरीक्षण प्रभारों का सन्दाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित बीमा स्कीम के नियमों की ए. प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि या या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक, सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को जमा करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाए जाते हैं तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुज्ञेय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन सन्देश राशम उक्त राशम से कम है जो कर्मचारी को उक्त दशा में सन्देश होती, जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधवा वारिस/नामानिर्दिष्टि की प्रतिभार के रूप में दोनों राशमों के अन्तर के बराबर राशम का सन्देश करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आशुक्त मध्य प्रदेश के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहां, प्रादेशिक भविष्य निधि आशुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम को उक्त सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रद्द की जा सकती है।

10. यदि किसी कारणवश, नियोजक भारतीय जीवन बीमा निगम द्वारा नियत तारीख के भीतर प्रीमियम का सन्देश करने में असफल रहता है, तो पालिसी को व्यवगत हो जाने दिया जाता है तो छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के सन्देश में किए गए किसी व्यतिक्रम की दशा में, उन मृत सदस्यों के नाम-

निर्दिष्टियों या निधि वारिसों को जो यदि यह, छूट रद्द गई होती तो उक्त स्कीम में अनर्गल होते, बीमा फायदों के सन्देश का उत्तरदायित्व नियोजक पर होगा।

12. इस स्कीम के अधीन जाने वाला किसी सदस्य को मृत्यु होने पर भारतीय जीवन बीमा निगम बीमा राशि का हस्तांतर नामनिर्दिष्ट/विधवा वारिसों को उस राशि का सन्देश सत्त्वचना से आर प्रत्येक दशा से हर प्रकार से पूर्ण दावे की प्राप्ति के ए. भाव न भीतर सुनिश्चित करेगा।

[संख्या एस.-35014/205/84-एन. एन.-4]

New Delhi, the 25th September, 1985

S.O. 4783.—Whereas Messrs. Vishwanath G. Fatil, Contractor, Qr. No. 3/12, Madhya Pradesh Housing Board Colony, Nandi Road, Bhillai, Madhya Pradesh (M.P. 3131) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

#### SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Madhya Pradesh, maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Funds or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Madhya Pradesh and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014(205)/85-SS.IV]

का. आ. 4784—मैसर्स गजन सिंह, कन्वेक्टर, गुरुनानक नगर, भिलाई, मध्य प्रदेश, (एम. पी./2119) (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है:

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक् अधिदाय या प्रीमियम का सन्दाय किए बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं, जो कर्मचारी निशेष महानु बीमा स्कीम, 1976 (जिसे इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुज्ञेय हैं;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इससे उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए उक्त स्थापन को तीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

#### अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त मध्य प्रदेश को ऐसी विवरणियां भेजेगा और

ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निदिष्ट करें।

2. नियोजक, ऐसे निरीक्षण प्रसारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर सन्दाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3क) के खण्ड (क) के अधीन समा-सन्दाय पर निदिष्ट करें।

3. सामूहिक बीमा स्कीम के प्रयासन में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का सन्दाय, लेखाओं का अन्तरण, निरीक्षण प्रसारों का सन्दाय आदि भी हैं, होने वाले सभी व्ययों का बहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित बीमा स्कीम के नियमों को एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन को भविष्य निधि का पहने ही तत्सम है, उसी स्थापन में नियोजित किया जाता है तो, नियोजक, सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी वास्तव आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को सन्दाय करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाए जाते हैं तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुज्ञेय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन सन्दाय रकम उस रकम से कम है जो कर्मचारी को उस दशा में सन्दाय होती, जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्देशती की प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का सन्दाय करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त मध्य प्रदेश के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहां, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम को उस सामूहिक बीमा स्कीम के,

जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कार्यवाहियों को प्राप्त होने वाले फायदे किसी रीति में कम हो सकते हैं, तो यह छूट रद्द की जा सकती है।

10. यदि किसी कारणवश, नियोजक भारतीय जीवन बीमा निगम द्वारा नियत तारांक के भीतर प्रीमियम का सन्दाय करने में असफल रहता है, और पालिसी को व्यवगत हो जाने दिया जाता है तो छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के सन्दाय में किए गए किसी व्यतिक्रम की दशा में, उन भूत सदस्य के नाम-निर्देशितियों या विधिक वारिसों को जो यदि यह, छूट न दी गई होती तो उक्त स्कीम के अन्तर्गत होते, बीमा फायदों के सन्दाय का उत्तरदायित्व नियोजक पर होगा।

12. इस स्कीम के अधीन आने वाले किसी सदस्य का मृत्यु होने पर भारतीय जीवन बीमा निगम, बीमाकृत राशि के हकदार नामनिर्देशित/विधिक वारिसों को उस राशि का सन्दाय तत्परता से और प्रत्येक दशा में हर प्रकार से पूर्ण दावे की प्राप्ति के एक मास के भीतर सुनिश्चित करेगा।

[संख्या एस-35014/210/85-एस.एस.-4]

S.O. 4784.—Whereas Messrs Gajan Singh, Contractor, Gurunanak Nagar, Bhilai, Madhya Pradesh (M.P./2119) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

#### SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Madhya Pradesh, maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc shall of borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Madhya Pradesh and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014/210/85-SS. IV]

का. आ. 4785.—मैसर्स रामनेत विश्वकर्मा, कन्वेक्टर, बाबा दीप सिंह नगर, कोहका, भिलाई, मध्य प्रदेश (एम. एच./2118) (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा 2(क) के अधीन छूट दिए जाने के लिए आवेदन किया है:

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक अभिदाय या प्रीमियम का सन्दाय किए बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं, जो कर्मचारी निक्षेप सहबद्ध बीमा स्कीम, 1976 (जिसे इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुज्ञेय हैं;



अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इससे उपावृद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन की तीन वर्ष की अवधि के लिए, उक्त स्कीम के सभी उपबन्धों के प्रवर्तन में छूट देती है।

#### अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त मध्य प्रदेश को ऐसा विवरणियां भेजेगा और उसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निर्दिष्ट करें।

2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रत्येक माग की समाप्ति के 15 दिनों के भीतर सन्दाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की, धारा 17 की उपधारा (3क) के खण्ड (क) के अधीन समय-समय पर निर्दिष्ट करें।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का सन्दाय, लेखाओं का अन्तरण, निरीक्षण प्रभारों सन्दाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक, सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को सन्दान करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाए जाते हैं तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप में वृद्धि की जातकी व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अन्तर्गत हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होने हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन मन्देश रकम उस रकम से कम है जो कर्मचारी को उस दशा में मन्देश होती, जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्देशिनी को प्रतिकर 861 G/85-5

के रूप में दोनों रकमों के अन्तर के बराबर रकम का सन्दाय करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई संशोधन, प्रादेशिक भविष्य निधि आयुक्त मध्य प्रदेश के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन में कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहां, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम को उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रद्द की जा सकती है।

10. यदि किसी कारणवश, नियोजक भारतीय जीवन बीमा निगम द्वारा नियत तारीख के भीतर प्रीमियम का सन्दाय करने में असफल रहता है, और पालिसी को व्यपगत हो जाने दिया जाता है तो छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के सन्दाय में किए गए किसी व्यतिक्रम की दशा में, उन मृत सदस्यों के नामनिर्देशितियों या विधिक वारिसों को जो यदि यह, छूट न दी गई होती तो उक्त स्कीम के अन्तर्गत होने, बीमा फायदों के सन्दाय का उत्तरदायित्व नियोजक पर होगा।

12. इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर भारतीय जीवन बीमा निगम, बीमाकृत राशि के हकदार नामनिर्देशिनी/विधिक वारिसों को उस राशि का सन्दाय तत्परता से और प्रत्येक दशा में हर प्रकार से पूर्ण दावे का प्राप्ति के एक मास के भीतर सुनिश्चित करेगा।

[संख्या एम-35104/211/85-एस.एस-4]

S.O. 4785.—Whereas Messrs Ramnet Viswakarma, Contractor, Baba Deep Singh Nagar, Pothkh, Bhilai Madhya Pradesh (M.P. 2118) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

#### SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Com-

missioner, Madhya Pradesh, maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Madhya Pradesh and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased member who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014/211/85-SS. IV]

का.आ. 1786.—मैसर्स सिम्प्लैक उद्योग, 11-इण्डस्ट्रियल एरिया, बिल्डिंग-490026, मध्य प्रदेश (एम.पी./1936-ए, सी. एफ., एच. एंड. जे) (जिसे इसमें इसके पश्चात् स्थापन कहा गया है) कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19)

(जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने लिए आवेदन किया है;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किमा पृथक श्रमिदाय या प्रीमियम का सन्दाय किए बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं, जो कर्मचारी निक्षेप सहवृद्ध बीमा स्कीम, 1976 (जिसे इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुमेय हैं;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इससे उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए उक्त स्थापन को तीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

#### अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, मध्य प्रदेश को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निदिष्ट करें।

2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर सन्दाय करेगा जो केन्द्रीय सरकार उक्त अधिनियम की धारा 17 की उपधारा (3क) के खण्ड (क) के अधीन समय-समय पर निदिष्ट करें।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का सन्दाय, लेखाओं का अन्तरण, निरीक्षण प्रभारों सन्दाय आदि भी हैं, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहु-संख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचन-पत्र पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो नियोजक, सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को सन्दात करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाए जाते तो, नियोजक सामूहिक बीमा स्कीम के

अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप में वृद्धि की जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुज्ञेय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी को मृत्यु पर इस स्कीम के अधीन सन्देश्य रकम उस रकम में कम है जो कर्मचारी को उम्र दशा में सन्देश्य होती, जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्देशितों का प्रतिफल के रूप में दोनों रकमों के अन्तर के बराबर रकम का सन्देश्य करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त, मध्य प्रदेश के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहाँ, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का व्यक्तिगत अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम को उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों का प्राप्ति होने वाले फायदे किसी रीति में कम हो जाते हैं, तो यह छूट रद्द की जा सकती है।

10. यदि किसी कारणवश नियोजक भारतीय जीवन बीमा निगम द्वारा नियत तारीख के भीतर प्रीमियम का सन्देश्य करने में असफल रहता है, और पालिसी को व्यपगत हो जाने दिया जाता है तो छूट रद्द की जा सकता है।

11. नियोजक द्वारा प्रीमियम के सन्देश्य में किए गए किसी व्यतिक्रम की दशा में, उन मृत सदस्यों के नामनिर्देशितियों या विधिक वारिसों को जो यदि यह, छूट न दी गई होती तो उक्त स्कीम के अन्तर्गत होते, बीमा फायदों के सन्देश्य का उत्तरदायित्व नियोजक पर होगा।

12. इस स्कीम के अधीन आने वाले किसी सदस्य को मृत्यु होने पर भारतीय जीवन बीमा निगम, बीमाकृत राशि के हकदार नामनिर्देशित/विधिक वारिसों को उस राशि का सन्देश्य तत्परता से और प्रत्येक दशा में हर प्रकार से पूर्ण दावे का प्राप्ति के एक मास के भीतर सुनिश्चन करेगा।

[संख्या एस-35014/209/85-एस.एस-4]

S.O. 4786.—Whereas Messrs. Simplex Udyog, 11 Industrial Area, Bhilai-490026, Madhya Pradesh, (M.P., 1936-A.C.F.H. and J.) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds & Miscellaneous provisions Act, 1952 (19 of 1952), (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any

separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme).

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

#### SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Madhya Pradesh, maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Madhya Pradesh and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominees/legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014 (209) 85-SS. IV]

का. आ. 4787---मैसर्स पी. ए. पिनियन्स, “वाच कंपोनेण्ट्स मैन्युफैक्चरर्स, धर्मपुर, जिला सोलन (एच. पी.) (एच. एल. 39) (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है), कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किमी पृथक् अभिदाय या प्रीमियम का संदाय किए बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निक्षेप-सहवृद्ध बीमा स्कीम, 1976 (जिसे इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुज्ञेय हैं;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इससे उपबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन को तीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबंधों के प्रवर्तन से छूट देती है।

#### अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, पंजाब को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निदिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3क) के खंड (क) के अधीन समय-समय पर निदिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रणालन में, जिसके अंतर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखाओं का अन्तरण, निरीक्षण प्रभारों का संदाय आदि भी हैं होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहु-संख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि ऐसा कोई कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की

भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संदाय करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाए जाते हैं तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुज्ञेय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेय रकम उस रकम से कम है जो कर्मचारी को उस दशा में संदेय होती, जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिवत वारिस/नामनिर्देशित की प्रतिफल के रूप में दोनों रकमों के अंतर के बराबर रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबंधों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त, पंजाब के पूर्ण अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने को संभावना हो वहां, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने की युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश, थापन के कर्मचारी, भारतीय जीवन बीमा निगम को उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति में कम हो जाते हैं, तो यह छूट रद्द की जा सकती है।

10. यदि किसी कारणवश, नियोजक भारतीय जीवन बीमा निगम द्वारा नियत तारिख के भीतर प्रीमियम का संदाय करने में असफल रहता है, और पालिसी को व्यपगत हो जाने दिया जाता है तो, यह छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किए गए किसी व्यतिक्रम की दशा में, उन मृत सदस्यों के नामनिर्देशितियों या विधिवत वारिसों को जो, यदि यह छूट नदी गई होती तो उक्त स्कीम के अन्तर्गत होते, बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर भारतीय जीवन बीमा निगम, बीमाकृत राशि के हकदार नामनिर्देशित/विधिवत वारिसों को उस राशि का संदाय तत्परता से और प्रत्येक दशा में हर प्रकार के पूर्ण दावे की प्राप्ति के एक मास के भीतर सुनिश्चित करेगा।

[संख्या एस-35014/207/85-एस.एस.-4]

S.O. 4787.—Whereas Messrs P. A. Pinions, Watch Components Manufacturers, Dharampur, District-Solan (H.P.) (H.L. 39) (hereinafter referred to as 'the said establishment') have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit-Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

#### SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Punjab, maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premium, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Punjab and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium, the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014(207)85-SS.IV]

का. आ. 4788.— मैसा इंडियन आक्सीजन लिमिटेड आक्सीजन हाउस, पो. 34, तारातला रोड, कलकत्ता-70088 (डब्ल्यू बी/5139) और इसकी शाखाएं जो कीड नं. डब्ल्यू बी/4241, डब्ल्यू बी/7866, डब्ल्यू बी/1121, डब्ल्यू बी/1617 और डब्ल्यू बी/7867 के अंतर्गत आती हैं, (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है,

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक् अभिदाय या प्रीमियम का संदाय किए बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं, जो कर्मचारी निक्षेप-सहबद्ध बीमा स्कीम, 1976 (जिसे इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुजेय है;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इसमें उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन की तीन वर्ष की अवधि के लिए, उक्त स्कीम के सभी उपबंधों के प्रवर्तन से छूट देती है।

#### अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, पश्चिम बंगाल को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी विधाय प्रदान करेगा जो केन्द्रीय सरकार समय-समय पर निदिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रभागों का प्रत्येक मास की समाप्ति के 15 दिनों के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3क) के खंड (क) के अधीन समय-समय पर निदिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अंतर्गत लेखाओं का रखा जाना विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखाओं का अन्वर्ण, निरीक्षण प्रभागों का संदाय आदि भी है, होने वाले सभी व्ययों का वह नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसका मुख्य बातों का अनुवाद, स्थापन के सूचना-पत्र पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि या उसका अधिनियम के अधीन छूट प्राप्त किसी स्थान की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो नियोजक उसे, सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाका-आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को सदन करेगा।

6. यदि उस स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाए जाते हैं तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उस स्कीम के अधीन अनुभोग्य हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेय रकम उस रकम से कम है जो कर्मचारी को उस दशा में संदेय होती, जब वह उस स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिवत वारिस/नामनिर्देशी के प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबंधों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त, पश्चिम बंगाल के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहां, प्रादेशिक भविष्य निधि आयुक्त अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तिपूर्ण अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम को उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति में कम हो जाते हैं, तो यह छूट रद्द की जा सकती है।

10. यदि किसी कारणवश, नियोजक भारतीय जीवन बीमा निगम द्वारा नियत तारीख के भीतर प्रीमियम का संदाय करने में असफल रहता है, और पालिसी को व्यपगत हो जाने दिया जाता है तो यह छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किए गए किसी व्यतिक्रम की दशा में, उन मृत सदस्यों के नामनिर्देशनियों या विधिक वारिसों को जो यदि यह छूट न दी गई होती तो

उक्त स्कीम में अंतर्गत हो, बीमा फायदों के संदाय का उत्तर-दायित्व नियोजक पर होगा।

12. इस स्कीम के अधीन जाने वाले किसी सदस्य की मृत्यु होने पर भारतीय जीवन बीमा निगम, बीमाकृश राशि के हकदार नामनिर्देशित/विधिक वारिसों को उस राशि का संदाय तत्परता से और प्रत्येक दशा में हर प्रकार से पूर्ण दायित्व की प्राप्ति के मांस के भीतर सुनिश्चित करेगा।

[संख्या एस-35014/208/85-एन. एन-4]

S.O. 4788.—Whereas Messrs Indian Oxygen Limited, Oxygen House, P. 34, Taratala Road, Calcutta-700088 (WB/5132) and its branches covered under Code Nos. WB/4241, WB/7866, WB/1621, WB/1617 and WB/7867 (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance; which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

#### SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, West Bengal, maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All the expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that

would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, West Bengal and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme, the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014/208/85-SS-IV]

का. आ. 4789.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स चित्रा रेस्टोरेंट कमर्शियल रोड, उठागामंडलम-643001, तमिलनाडु नामक स्थापन से संबंधित नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं. एन-35019/364/85-एस.एस.-2]

S.O. 4789.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Chitra Restaurant Commercial Road, Uthagamandalam-643001, Tamil Nadu have agreed that the Provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by Sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the Provisions of the said Act to the said establishment.

[No. S-35019/364/85-SS-III]

का. आ. 0.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स प्रोडक्टर मिर्चा फूड्स लिमिटेड, प्रोडक्टर-516360 कोडरग, आंध्र प्रदेश नामक स्थापन से संबंधित नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि

कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं. एन-35019/383/85-पी.एफ.-II]

S.O. 4790.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Proddatur Milk Foods Ltd., Proddatur-516360, Cuddapah, Andhra Pradesh, have agreed that the Provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by Sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the Provisions of the said Act to the said establishment.

[No. S-35019/363/85-PF-II]

का. आ. 4791.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एल्फा इंडस्ट्रीज ओ 2, इंडस्ट्रियल एरिया, सोनेपट नामक स्थापन के संबंधित नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा-1 की उपधारा-(4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं. 35019/365/85-एस.एस.-2]

S.O. 4791.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Alpha Industries, 0-2, Industrial Area, Sonapat, have agreed that the Provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by Sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the Provisions of the said Act to the said establishment.

[No. S 35019/365/85-SS-II]

का. आ. 4792.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स इंडस्ट्रियल इंजीनियर्स, 781, अन्नमलाय, मद्रास-2 नामक स्थापन से संबंधित नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं. एस-35019/356/85-एस.एस.-2]

S.O. 4792.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Industrial Engineers, 781, Anna Salai, Madras-2, have agreed that the Provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by Sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the Provisions of the said Act to the said establishment.

[No. S-35019/356/85-SS-II]

का. आ. 4793—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स कृष्ण इंटरनेशनल, 676 ब्लॉक "ओ", न्यू अलिपुर, कलकत्ता-53 और शो रूम 22, रबिन्द्रा सारनी, कलकत्ता-1 में स्थित नामक स्थापन से संबद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं. एस-35017/86/85-एस. एस.-2]

S.O. 4793.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Krugg International 676 Block 'O' New Alipore, Calcutta-53 including its show Room at 22, Rabindra Sarani, Calcutta-1, have agreed that the Provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by Sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the Provisions of the said Act to the said establishment.

[No. S-35017/86/85-SS-II]

का. आ. 4794—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स प्रीमियर डीजल प्रा. लि. तिवोली कोर्ट, ब्लाक-ए, ग्राउंड फ्लोर 1-सी बेलीगंज, मकुलर रोड, कलकत्ता-19 नामक स्थापन से संबद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं. एस-35017/88/85-एस. एस.-2]

S.O. 4794.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Premier Diesels Private Ltd., Tivoli Court, Block 'A', Ground Floor 1-C, Ballygunge Circular Road, Calcutta-19, West Bengal, have agreed that the Provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by Sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the Provisions of the said Act to the said establishment.

[No. S-35017/88/85-SS-II]

का. आ. 4795—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स नार्थ एंड हजीनियरिंग कम्पनी-11, हेम डे लैंक, कलकत्ता-50 नामक स्थापन से संबद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा दत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं. एस-35017/87/85-एस. एस.-2]

S.O. 4795.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Northend Engineering Company, 11, Hem Dey Lane, Calcutta-50, have agreed that the Provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by Sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the Provisions of the said Act to the said establishment.

[No. S-35017/87/85-SS-II]

### शुद्धिपत्र

का. आ. 4796—भारत के राजपत्र, भाग II, खण्ड 3, उपखण्ड 3 (ii) तारीख 16 मार्च, 1985 में प्रकाशित भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 1181, तारीख 14 मार्च, 1985 की चौथी पंक्ति में "इलेक्ट्रॉनिक" शब्द के स्थान पर "इलेक्ट्रिक" पढ़ें।

[संख्या एस-35017/23/85-एस. एस.-2]

### CORRIGENDUM

S.O. 4796.—In the notification of the Government of India in the Ministry of Labour No. S.O. 1181 dated 14th March, 1985 published in the Gazette of India, Part II, Section 3 sub-section (ii) dated 16th March 1985, in line 4 for "Electronic" read "Electric".

[No. S-35017/23/85-SS-II]



नई दिल्ली, 27 (सितम्बर, 1985)

## CORRIGENDUM

## शुद्धिपत्र

का. आ. 4797—भारत के राजपत्र, भाग II, खण्ड 3, उप-खण्ड (ii) में दिनांक 23 फरवरी, 1985 को प्रकाशित, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 782, दिनांक 11 फरवरी, 1985 की पंक्ति 1 में "प्रकाश ट्यूब प्राइवेट लिमिटेड" के स्थान पर "प्रकाश ट्यूब लिमिटेड" पढ़ें।

[संख्या एम-35014/13/85-एम.एस.-4]

New Delhi, the 27th September, 1985

## CORRIGENDUM

S.O. 4797.—In the notification of the Government of India in the Ministry of Labour, No. S.O. 782, dated the 11th February, 1985 published at page 887 in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 23rd February, 1985, in lines 1 and 2 for "Parkash Tubes Private Limited" read "Prakash Tubes Limited" and for "(PN[6416])" read "(PN[4616])".

[No. S-35014/13/85-SS-IV]

नई दिल्ली, 30 सितम्बर 1985

## शुद्धिपत्र

का. आ. 4798—भारत के राजपत्र भाग II, खण्ड 3, उप-खण्ड (ii) में दिनांक 11 फरवरी, 1984 को प्रकाशित, भारत सरकार के तत्कालीन श्रम और पुनर्वास मंत्रालय (श्रम विभाग) की अधिसूचना संख्या का. आ. 463, दिनांक 31 जनवरी, 1984 की अनुसूची की मद 1 की पंक्ति 2 और मद 8 की पंक्ति 2 में "पंजाब" के स्थान पर "हरियाणा" पढ़ें।

[संख्या एम-35014/4/84-पी.एफ.-2]

New Delhi, the 30th September, 1985.

## CORRIGENDUM

S.O. 4798.—In the notification of the Government of India in the late Ministry of Labour and Rehabilitation (Department of Labour), No. S.O. 463, dated the 31st January, 1984, published in the Gazette of India, Part II, Section 3, Sub-Section (ii), dated the 11th February, 1984, in the Schedule, in line 3 of item 1 and line 3 of item 8 for "Punjab" read "Haryana".

[No. S-35014/4/84-PF. II]

## शुद्धि पत्र

का. आ. 4799—भारत के राजपत्र, भाग II, खण्ड 3, उप-खण्ड (ii) में दिनांक 31 मार्च, 1984 को प्रकाशित, भारत सरकार के तत्कालीन श्रम और पुनर्वास मंत्रालय (श्रम विभाग) की अधिसूचना संख्या का. आ. 1116, दिनांक 14 मार्च, 1984 की अनुसूची की मद 1 की पंक्ति 2 और मद 8 की पंक्ति 2 में "पंजाब" के स्थान पर "हरियाणा" पढ़ें।

[संख्या एम-35014/5/84-एफ. पी. जी.]

S.O. 4799.—In the notification of the Government of India in the late Ministry of Labour and Rehabilitation (Department of Labour), No. S.O. 1116, dated the 14th March, 1984, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 31st March, 1984, in the Schedule, in line 3 of item 1 and line 3 of item 8, for "Punjab" read "Haryana".

[No. S-35014/5/84-FPG]

नई दिल्ली, 1 अक्टूबर, 1985

का. आ. 4800—मध्य प्रदेश राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (घ) के अनुसरण में, श्री मनीष बहल के स्थान पर श्री एम. सी. गुप्ता, सचिव, मध्य प्रदेश को कर्मचारी राज्य बीमा निगम में उस राज्य का प्रतिनिधित्व करने के लिए नामनिर्दिष्ट किया है;

अतः अब केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 545 (अ), दिनांक 25 जुलाई, 1985 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, "[राज्य सरकार द्वारा धारा 4 के खण्ड (घ) के अधीन नामनिर्दिष्ट]" शीर्षक के नीचे मद 17 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

"श्री एम. सी. गुप्ता,

सचिव, मध्य प्रदेश सरकार,

श्रम विभाग, भोपाल।"

[संख्या यू-16012/3/83-एम.एस.-1]

ए. के. शेट्टराई, अवर सचिव

New Delhi, the 1st October, 1985

S.O. 4800.—Whereas the State Government of Madhya Pradesh has in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri S. C. Gupta, Secretary to the Govt. of Madhya Pradesh to represent that State on the Employees' State Insurance Corporation, in place of Shri Manish Behl;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India, in the Ministry of Labour S.O. No. 545 (F), dated the 25th July, 1985, namely:—

In the said notification under the heading "[Nominated by the State Government under clause (d) of section 4]", for the entry against Serial Number 17 the following entry shall be substituted, namely:—

"Shri S. C. Gupta, Secretary to the Govt. of Madhya Pradesh, Labour Department, Bhopal."

[No. U-16012/3/85-SS. III]

A. K. BHATTARAI, Under Secy.

नई दिल्ली, 25 सितम्बर, 1985

का. अ. 4801—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, भारतीय स्टेट बैंक के प्रबंधन में सम्बद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, बम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-85 प्राप्त हुआ था।

New Delhi, the 25th September, 1985

S.O. 4801.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the State Bank of India and their workmen, which was received by the Central Government on the 16th September, 1985.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY, CAMP, NAGPUR

PRESENT :

Shri M. A. Deshpande, Presiding Officer.  
Reference No. CGIT-2/51 of 1985

PARTIES :

Employers in relation to the management of State Bank of India.

AND

Their workmen

APPEARANCES :

For the Employers.—Shri Amar Rajamani, Asstt. Law Officer.

For the Workmen.—Shri S. D. Phadke, President of the Union.

INDUSTRY : Banking

STATE : Maharashtra

Nagpur, the 21st August, 1985

AWARD

(Dictated in the open Court)

By their order No. L-12012/8/85-D.II(A) dated 3-7-1985 the following dispute has been referred for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947:—

“Whether the action of the management of State Bank of India, Nagpur in terminating the services of Shri B. Z. Kamble, Furash-cum-Messenger, is justified? If not, to what relief the workman is entitled?”

2. The dispute revolves on the point whether the severance of relationship which alleged to have occurred on 23-10-1982 on which date the workman namely Shri B. Z. Kamble serving as a Messenger is alleged to have the status of an employee of the Bank was rightly done or not. On one hand i.e. on the side of the Union it is contended that the employee who had put in more than one year of service was wrongfully retrenched in violation of Section 25F of the Industrial Disputes Act, 1947 and on the other hand the contention of the management is that the employee having not put in more than 240 days within 12 calendar months preceding 23-10-1982, he had not acquired any right under Section 25F read with Section 25B(2)(a) of the Industrial Disputes Act and therefore there is no violation much less any illegal termination.

3. The dispute therefore is centred around the question whether he had put in more than 240 days or not. However the very Bank has issued a circular dated 24-3-1984

Annexure W-III whereby the General Manager (Operation) Central Office has directed the Chief Regional Manager, Regional Office, Jabalpur that ex-temporary Messengers who had worked for less than 240 days in a block of 12 Calendar months be re-absorbed in the service of the Bank provided they are willing to forgo their claim for back wages. In the light of the circular therefore which would be binding on the Regional Office Nagpur, since it is from the Central Office, and without entering into the question whether the workman had put in 240 days or not, it is hereby directed that the concerned workman involved in the present reference shall be re-absorbed within a period of not more than two months from the date of this Award i.e. today without waiting for the publication of the Award. The employee shall be entitled to the wages from the date of resumption of his duties. Shri Phadke concedes to forgo the past wages. In the light of this order which is by the consent of the parties no findings are noted on the issues. Status of the employee as on 23-10-1982 shall be restored.

Award accordingly.

No order as to costs.

28-8-85

M. A. DESHPANDE, Presiding Officer

[No. L-12012/8/85-D.II(A)]

N. K. VERMA, Desk Officer

नई दिल्ली, 1 अक्टूबर, 1985

का. अ. 4802—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, कॉर्पोरेशन बैंक, मंगलूर के प्रबंधन में सम्बद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17 सितम्बर, 1985 को प्राप्त हुआ था।

New Delhi, the 1st October, 1985.

S.O.4802.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bangalore as shown in the Annexure in the industrial dispute between the employers in relation to the Corporation Bank, Mangalore and their workmen, was received by the Central Government on the 17th September, 1985.

BEFORE THE INDUSTRIAL TRIBUNAL IN KARNATAKA, BANGALORE

Dated this the 10th day of September, 1985

PRESENT :

Shri R. Ramakrishna, B.A., B.L.—Presiding Officer  
Central Reference No. 23 of 1984

I PARTY—

The General Secretary, Corporation Bank Employees' Guild (Regd.) Annuradha Building, Subedar Chattram, Bangalore.

Vs

II PARTY—

The Chairman and Managing Director, Corporation Bank, Head Office, Mangalore-575001.

APPEARANCES :

For the I Party—Shri Krishniah, Advocate, Bangalore

For the II Party.—Shri Tukaram S. Pai, Advocate, Bangalore.

Reference

(Government Order No. L-12011/15/83-D.IV(A) dated 12-7-1984)

AWARD

The Central Government after forming an opinion that an industrial dispute exists between the above parties, in exercise of the powers conferred by clause (d) of sub-section (1) of

Section 10 of the Industrial Dispute Act, 197 has referred the same for adjudication on the points mentioned in the schedule as hereunder :—

### SCHEDULE

“Whether the action of the management of Corporation Bank Mangalore in denying promotions to the Officer Grade-IV cadre to Shri A. Prabhakara Nayak and Alexander Picardo Clerks with effect from 26-8-1976 and to Shri K. Raghuvver Kamath and N. Ramananda Prabhu, Clerks with effect from 7-9-77 in terms of the Award of the Industrial Tribunal (Central) Bangalore in reference No. 1 of 1971, is justified? If not, to what relief are the workmen concerned entitled and from what date?”.

2. After receipt of the reference, notices were issued to both the parties and the I Party have filed their claim statement and II Party have filed their counter statement.

3. On the basis of the pleadings, an additional issue was framed and the case was posted for evidence on the additional issue and the points of dispute mentioned in the schedule.

4. Today, when the case was called both the parties filed a Joint Memo and submitted that they have settled the dispute out of court. The terms of settlement are as follows —

(1) The I Party have agreed to get the promotion prospectively from 1-9-1985 and to get all the benefits.

(2) The II Party has no objection to pass an award in favour of the I Party directing the II Party to give promotion to the workmen involved in this case to Officers Scale I (Junior Management Cadre) with effect from 1-9-1985 and to give all benefits, such as, seniority pay scale D.A. etc., flowing from such promotion before 30-9-1985.

5. In view of the settlement arrived at between the parties an award is passed in terms thereof.

(Dictated to the Stenographer, transcribed and typed by him and corrected by me).

R. RAMAKRISHNA, Presiding Officer  
[No. I-12011/15/83-D IV (A)]

का. आ. 4803.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार, पंजाब नेशनल बैंक के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अन्वय में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13 सितम्बर, 1985 को प्राप्त हुआ था।

S.O. 4803.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the Punjab National Bank, and their workmen, which was received by the Central Government on the 13th September, 1985.

BEFORE SHRI R. B. SRIVASTAVA, PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
KANPUR

Industrial Dispute No. 18/1979

Reference No. 12012/74/78-D.II-A dated 11th April, 1979  
In the matter of dispute between :

Shri Mahanand Pande, S/o Shri M. K. Pande, r/o 102-A/5 Juhi Safed Colony, Kanpur.

AND

The Regional Manager Punjab National Bank, The Mall Kanpur.

### APPEARANCES :

Shri Mahanand Pande workman himself represented his case and Shri Kankan —for the workman.

Shri V. B. Gupta representative—for the management.

### AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/74/78-D.II (A) dated 11th April, 1979, has referred the following dispute for adjudication :

Whether the action of the management of the Punjab National Bank, Kanpur, in imposing on Shri Mahanand Pande, Head Cashier, Gumti No. 5 Branch, Kanpur, the punishment of stoppage of four increments (graded) having the effect of permanent postponement of those increments in future is justified? If not, to what relief is the workman concerned entitled?

2. The case of the workman Shri Mahanand Pande, is that he was working as Head Cashier in Gumti No. 5 branch of the management bank, when he was suspended on 8-4-75, without charge sheet. The workman was served with a charge sheet on 3-2-76, and the charges were regarding the occurrence of 7-4-75. The charges were as follows :

(a) That on 7-4-75 at about 3.30 P.M. while one Shri Harmangal Prasad, the then Secretary of U.P. Bank Employees Union Kanpur was discussing the matter regarding duty sheet of cash department with the manager Shri R. K. Chopra of Branch Office Gumti No. 5 in his cabin, you forwarded through a peon a leave application for grant of leave for yourself for 8-4-75. The said Shri Harmangal Prasad insisted that Shri Chopra should grant his leave but when Mr. Chopra showed his inability to accede to your demand for grant of leave because of non availability of other cashiers to take charge of cash, the said Shri Harmangal Prasad left the cabin of manager Shri Chopra. Thereafter, at about 4.50 P.M. you alongwith said Harmangal Prasad and two other associates, who were not bank employees entered the cabin of the manager Shri Chopra and started using vulgar and abusive language and creation of riotous condition against him in spite of his asking you and your associates to leave his cabin. This act on your part amounts to indecent and disorderly behaviour on the bank premises as well as wilful insubordination and disobedience of the lawful and reasonable order of your superior, which is gross misconduct.

(b) That on that very day and time after having used vulgar and abusive language against the manager Shri R. K. Chopra you alongwith the said Harmangal Prasad forcibly dragged Shri Chopra from his cabin in the hall upto the cashier's cabin and went to the extent of physically assaulting and causing violence on him, which act on your part amounts to riotous and disorderly behaviour on the bank premises which is a gross misconduct on your part.

(c) That after having dragged the manager Shri R. K. Chopra in the cashiers cabin, you alongwith the said Harmangal Prasad and your two other associates forcibly detained the manager in the cashiers cabin which act on your part amounts to riotous, disorderly and indecent behaviour in the premises of the bank and which was prejudicial to the interest of the bank.

3. The workman required to submit his explanation within three days why disciplinary action should not be taken for the aforesaid acts of gross misconduct and in case written explanation is not submitted the management will be free to proceed against him, regarding the incident of 7-4-75. Two other bank employees namely S/Shri Ram Lotan Pande clerk-cum-oddman keeper of the management bank of Meston Road Branch, Kanpur and one Shri Mata Prasad Armed Guard of the management bank P.N.B. Gumti No. 5, Kanpur also charged sheeted. The management appointed one Shri G. B. Singh, Personnel Officer as enquiry officer in the case.

while one Shri Ram Gopal Gupta filed a complaint regarding this incident which was equated into by the Special Magistrate Shri A. P. Srivastava. The said criminal case ended in favour of the workman and he was acquitted of the offences with which he was charged, a copy of the judgment is on the record which is annexure 2 of workman's affidavit Ext. VW-1. Enquiry proceeded but on a later stage by telegram dated 12-3-76, the workman raised objection that the enquiry was not being held in a fair and proper manner. It appears that on the basis of the enquiry report the disciplinary authority the workman was awarded stoppage of four increments and ultimately the punishment was given to the workman.

4. During the pendency of this case it was found that the workman had no intimation that the enquiry proceedings will start on 9-3-76. Thus the enquiry proceedings conducted on 9-3-76 was prima facie without notice to the workman and should not be the basis for departmental action against the workman. The management had requested for holding an enquiry and the charges in the chargesheet served on the workman if the departmental enquiry for the same reason held to be vitiated consequently the request was accepted by my learned predecessor and management was directed to lead evidence on enquiry.

5. Thus the preliminary enquiry stood vitiated and fresh evidence on the charges have been given in this court.

6. The management has denied that the workman Shri Mahanand Pande was posted as permanent head cashier and alleges that he was posted simply as a officiating head cashier as this post was created on the retirement of Shri M. L. Tiwari which was to be filled up. A copy of the order dated 4-3-72 is Ext. M-1, which is paper annexure J of the written statement. The management has further averred that later finding that Shri Pande workman was not eligible as Head cashier as he was junior to three other clerks-cum-cashiers namely Shri P. N. Tripathi, consequently he was advised by the branch manager on 15-6-72 to hand over the charge of Head Cashier to Shri P. N. Tripathi and officiating appointment was terminated of the workman copy of the letter i.e. dated 15-6-72. The workman did not comply with the orders and filed a civil suit for injunction before the Munsif City, Kanpur, and obtained an ex parte injunction order from the court of IV Additional Munsif, Kanpur. Shri Mahanand Pande workman in pursuance of the injunction order continued Head Cashier till his suspension on 8-4-75. Thus it is averred by the management that he was never posted as Head Cashier permanently and was only officiating on that post. It is further averred that the workman himself admitted his capacity as officiating head cashier till permanent cashier is appointed. In his representation the workman later withdrew that civil suit. It has been denied that workman Mahanand Pande was transferred to Gorakhpur by way of punishment and that was done having regard to the exigency of work in the interest of bank management. It is further averred that he was not paid any special allowance while working as head cashier but was simply being paid officiating allowance which allowance of officiation does not confer any right on the workman. On the averments of the parties two issues were framed :

- (i) Whether the workman was posted as head cashier permanently on that time ?
- (ii) As in order of reference ?

7. In the second issue referred by the government since enquiry stand vitiated by the stand taken by the management and consequently order of the court to hold fresh enquiry on the charges vide order dated 17-1-84 it has to be considered on the basis of evidence adduced on record that punishment of postponement of four increments given to the workman is justified.

8. Before taking evidence on the charge sheet the workman moved an application on 17-7-84 that the legal position of the charge sheet may be considered and the charge sheet so framed be quashed. In this application the workman referred to various case laws and averred that for want of list of prosecution witnesses brief summary of evidence of the witnesses examined and preliminary report of the enquiry be

made available to the workman to exercise effective cross examination and to give proper defence. The arguments were heard and it was ordered that the point if the charge was proper or not will be considered alongwith the case, regarding the first incident or dated 7-4-75 of 4.50 p.m. and there had been a criminal prosecution in which accused were acquitted on 5-3-76. The accused was not given benefit of doubt but it was specifically held that the accused persons have been clearly acquitted. On behalf of the workman my attention was drawn to the ruling Bnagwat Charan Versus State of Uttar Pradesh 1973 ALJ page 306, wherein it was held; "If a person has been honourably acquitted by criminal court then the departmental proceedings on the basis of the same charges are not competent. Held that when he was considering a question of fresh in the light of decision of court of session was bound by the findings of the criminal cases and he was not entitled to go beyond the findings of the sessions judge. The charge on which the workman was tried by criminal court was identical to the first charge in the departmental proceedings on which the evidence has been adduced before me in this court. As already stated the workman had been acquitted of the charge by magistrate. Beside finding nullity adjudging to the judgment of the trial court acquitting the workman on the first charge if a finding is given it is possible they are might be two conflicting findings on the same charge thus on the principle of stera decies also the enquiry on the first charge is not to be competent which relates to the incident at 4.50 on 7-4-75. There was no criminal case regarding the incident of subsequent to all that transpired in the cabin of the manager of Shri R. K. Chopra i.e. dragging him out forcibly, taking him upto the cashiers cabin and forcibly keeping the manager in the cashiers cabin. Evidence has been lead on this subsequent incident as about the earlier incident. There being no criminal findings on this subsequent charge of dragging out from the chamber and wrongfully detention in cashiers cabin the evidence lead by the management, and no defence can be seen.

9. As regards the preliminary objection that the charge is vitiated and the enquiry can not be proceed as the workman has not been supplied with the copies of the statement of witnesses, complaints and other matters including disclosures of names of witnesses. It is need less to address that the management has disclosed its entire case and evidence in the enquiry proceedings which are available on record and it can not be said that the workman will be taken by surprise if evidence is given on the charges, the crux of the matter in such cases is prejudiced unless it may be shown specifically that the workman was prejudiced or will be prejudiced, the enquiry on the charges can not be set aside or the charges itself while down on that count.

10. In the instant case every thing stands disclosed as to what is the managements case and which are witnesses and what evidence is likely to be relied upon for the purposes.

11. Now coming to the issue whether workman was posted as permanent head cashier at the relevant time and hence he could not have been reverted, transferred to out station and his special allowance of head cashier withdrawn in that way. It has to be seen whether the workman was permanent head cashier or was simply officiating as such in the vacancy caused by retirement of some one. The management has filed annexure J of the amended written statement dated 4-3-72 Ext. M-1 which is dated 4-3-72. It is addressed to the workman as then Assistant Cashier in Gunti No. 5. The order is by Shri M. L. Shukla to the effect "As Shri M.L. Tewari Head Cashier has been retired from bank's service you are requested to work Head Cashier till permanent Head Cashier is posted at his place." The management has filed another document annexure K dated 15-6-72 addressed to the workman officiating as head cashier "Under the instruction of our Regional Manager you are advised to hand over charge of cash to Shri P. N. Tripathi Clerk-cum-Cashier who will now officiate as head cashier till permanent head cashier is posted at our office. There is a note appended with order that the order has been received but charge of cash has not been given to Shri Tripathi. The workman was informed vide letter dated 22-7-72 Ext. M-3 in which the branch manager asked him to hand over charge of head cashiership to Shri P. N. Tripathi clerk-cum-cashier immediately otherwise that

will render you liable for disciplinary action. It was further mentioned that no officiating allowance of Head Cashiership will be paid to him in future. The workman had made representative to the Regional Manager copy of which was given to the manager with a request to maintain status quo in the interim vide letter dated 20-1-72. Meanwhile on 3-6-72 he filed the suit for injunction requesting that the management be restrained from giving effect to the management order dated 15-6-72 Ext. M-2 whereby taking charge from the plaintiff of his present post of officiating head cashier was ordered. The workman obtained ex parte injunction order. The workman later withdrawn the civil suit. Thus it is clear that the workman was never appointed in his own right as head cashier but was made to officiate on the said post till a permanent head cashier was appointed. There was no question of application of para 20.8 of the bipartite settlement as in the very initial order dated 4-3-72 Ext. M-1 it was mentioned that this appointment is to continue till permanent head cashier is posted. Even before passing of a head cashier on the representation of the senior person one Shri P. N. Tirpathi was giving that post of head cashier on 15-6-72 till permanent head cashier is posted. That occasion never arose as workman continued on the basis of ex parte injunction. Thus in view of the above I hold that the workman was never posted as permanent head cashier at the relevant time.

12. Now coming to the charge after the incident of 4.50 in the chamber of the branch manager for which a criminal case was started, the workman alongwith Shri Harmangal Prasad forcibly dragged Shri Chopra branch manager from his cabin in the hall upto the cashiers cabin and went to the extent of physically assaulting and causing violence on him and thereafter having dragged the manager to cashiers cabin the workman alongwith Harmangal and other associates forcibly detained the manager in cashiers cabin which act amounts to riotous and disorderly indecent behaviour in the premises of the bank which was a gross misconduct and prejudicial in the interest of the bank. The workman in his affidavit dated 18-4-80 has stated in para 14 that he did not go to the cabin of branch manager when the workers of the union as well as police inspector were discussing the application of the leave of the workman and the whole issue was settled before 5 p.m. The workman in his affidavit dated 7-1-85 has denied having dragged the branch manager Shri R. K. Chopra from his chamber or mis-behaved with him and after the departmental punishment he was transferred to Gorakhpur to a lower post on 16-9-76, which transfer amounts to punishment as he had to lose his allowances thereby diminishing his emoluments and in this way the workman has been given four punishment namely 1; reduction in rank; 2 transfer; 3. deduction of four increments and deduction from pay amounting to Rs. 1350 on account of withdrawal of special allowance and not granting all increment.

13. As mentioned in paragraph four the charge sheet issued related to two incidents, one incident of 7-4-75 at 4.40 p.m. which related to entering the chamber of branch manager Shri R. K. Chopra after Harmangal Prasad and moved using vulgar and abusive language against the manager and creating riotous condition against the manager despite asking him to leave the manager's chamber, and the other entering the chamber with Harmangal Prasad and dragging the branch manager Shri Chopra from his chamber in the hall taking him upto the cashier chamber physically assaulting and causing violence and forcibly detaining him in the cashier cabin. About the first incident in the chamber of branch manager there been a criminal case in which the workman has been acquitted holding that no such occurrence as alleged occurred and the accused persons have been falsely implicated.

14. The parties have lead evidence regarding both the incident. As observed earlier I have not to look with the incident of first part which immediately occurred in the chamber.

15. It is common ground that no F.I.R. of the incident was lodged. It is further admitted that on the interference of the police sub-inspector the branch manager granted the leave to the workman for 8-4-75 and took charge of cash himself which despite efforts of Harmangal Prasad branch manager had not considered earlier.

16. In support of the charge the management has examined Shri R. K. Chopra the then branch manager. Curiously enough the branch manager Shri R. K. Chopra has not stated anything in his affidavit about the incident of dragging him out from chamber taking through the hall upto the cashiers cabin and wrongfully confining him there in the company of Harmangal Prasad, which charges is the subsequent to the incident at 4.50 on 7-4-75 in his chamber. In cross examination he has deposed that for going to head cashiers cabin from his chamber there is passage about 3 or 4 ft. wide and the distance of the two would be about 15 ft. on one side of the passage there are seats of the clerks with counters and on the other side of the passage officers table are there. The witness Shri Chopra has admitted that he gave a report to his R.M. Regional Manager about this incident on 7-4-75 and whatever is written therein is correct. The witness was confronted and admitted that annexure A of the amended written statement is correct and the original was signed and sent by him and this is the report which he gave to the Regional Manager on 7-4-75. A perusal of this annexure A does not show that there was any incident from dragging him from his chamber and wrongfully confinement in the cabin of head cashier. As a matter of fact annexure A is the earliest document being dated 8-4-75 sent by branch manager himself and this was addressed to the workman Shri Mahanand Pande by which he was also suspended and a copy of this was sent to the Regional Manager for information. The recital in this letter speaks of only one incident of 7-4-75 and no other which reads as follows :

"On 7-4-75 at about 4.50 p.m. you alongwith a person named Harmangal Prasad and two of your associates (not our branch employees) forcibly entered my cabin and insisted for grant of leave for 8-4-75 to you and on my inability to accede to your demand because no cashier was available to take charge of cash you were advised to deliver the charge tomorrow morning. You alongwith aforesaid persons not only used highly vulgar and abusive language against me but went to the extent physically assaulting and causing violence on me."

On the incident of dragging from his chamber and wrongfully confinement in cashiers chamber being correct the same must have been mentioned in this earlier memo to workman to which a copy was given to the Regional Manager. There is yet another letter dated 8-4-75 addressed to the Branch Manager Meston Road Branch Kanpur a copy of which was also sent to the Regional Manager for information. MW-1 Shri Chopra admitted sending these letter original of which was bore his signature marked Ext. W-1. In this letter there is reference about dragging him in the hall upto the cashiers cabin but not confining him in the cashiers cabin. The relevant portion reads as follows "after the discussion at about 4.50 p.m. Shri Harmangal, Ramlochan Pande clerk-cum-godown keeper of your Meston Road Branch. Shri Mahanand Pande and one other associate again entered in my cabin started using vulgar language against me and dragged me in the hall up to the cashiers cabin and went to the extent of physically assaulting and causing violence on me". This letter dictated on the same day as annexure A of the document filed with amended written statement a slight improvements on the version given to the Regional Manager in so much so that it speaks about dragging him from the cabin up to cashier chamber. But again the question of wrongful confining him in the cashier chamber as is goes now is not there. He admitted that Regional Manager Shri S. L. Chopra was a distant relation of his. He has denied that Ext. M-1 which is annexure A of the written statement filed by the management was written by him in consultation with the Regional Manager and this letter is also dated 8-11-75. On this report of the Regional Manager also there is mentioned of forcibly dragging in the hall up to the cashiers cabin physical assault on him. He admits that they wanted to give him charge of the cash to which he avoided to take charge personally sensing foul game. He further mentioned that they even went to the extent forcibly detaining in the cash cabin. He mentioned therein that the police came and cash was closed by their intervention. He has deposed that between the hall and after putting him in cashiers chamber he was not allowed to come and was detained there for about 10 or 15 minutes. In the process of being dragged he was pushed from the back go to cabin in which he suffered small

broose in his ribs which he did not get medically examined. He further deposed in cross examination that he did not call the police as he did not think it necessary and the police did not arrive on the spot. On the suggestion that police had come when Harmangal Prasad was present he replied that the same was wrong. It may be mentioned here that the manager himself has written in report Ext. M-1 dated 8-4-75 addressed to Regional Manager and also alongwith written statement that the police came and cash was closed by their intervention. This shows that the manager is deliberately suppressing some thing suggesting that his statement is not whole truth. Witness was confronted with his earlier statement given during the enquiry in the departmental enquiry proceedings. He further admitted that he had mentioned the name of Baldeo Raj Mehra as witness having seen the occurrence who has been called by the management to depose in the case. He goes on to depose that none of the bank employees tried to intervene and save yet after the incident is over they had gone to his chamber to enquire about the incident. The two statement does not inspire confidence. If the bank employees were so dis interested that they did not agree to intervene in the incident which was taking place before the eyes they would hardly go to the managers chamber after the incident to enquire about it. He again stated that some of the bank employees meet him later and told him that they had seen the incident. During the enquiry proceedings he admits to have stated that no branch employee told him that he had seen the incident. The witness Shri Chopra admitted that on one occasion one Shri Tondon had come to inspect the branch on 1-4-75 and duplicate keys had to be called from other branch. He has denied the suggestion of the workman that the duplicate was not sent back earlier and was detained to get duplicate prepared for operating double lock in the absence of workman Mahanand Pande and getting him falsely implicated for loss of cash. He had denied that he bore grudge against Mahanand Pande. He has denied workman's suggestion that he was never abused nor assaulted and that the workman falsely implicated.

17. Shri Baldeo Raj Mehrotra MW-2 has given his affidavit that the workman alongwith Harmangal Prasad dragged the branch manager Shri Chopra out from his cabin to the banking hall and indulged in riotous behaviour. He does not depose about wrongful confinement of branch manager Mr. Chopra in cashiers cabin for about 15 minutes.

18. In cross examination he has stated that he was not cited as witness in the enquiry neither he was interrogated about this incident by any one and that he did not tell any body that he had seen the occurrence. He deposed that at the time of the incident two officers and 10 or 12 members of the staff were present and he himself did not try to intervene nor saw any one else intervening in the matter when the manager was dragged. He further states that he himself did not go to the cabin nor any one else except the manager who was taken there. He did not go to the manager chamber after the incident. He also deposes that the police had not arrived. He has deposed that he did not see Mahanand Pande assaulting the manager but he saw abusing him while taking him towards the cabin. At one place he say that the manager was being taken towards chamber wherein the next time he deposed that the manager was dragged to the cabin of cashier. Had he really seen the occurrence the manager would not have managed out his name as one of the witness who have seen the occurrence and must have mentioned his name in any of the reports. Admittedly his name appears for the first time. He gave affidavit in the case.

19. As observed earlier he did not mention about dragging him to the cashiers cabin. In cross examination also he does not depose that the branch manager was wrongly confined in the chamber which simply shows that he was being taken towards cashiers cabin and later resiles and others that he was being dragged to the cashiers cabin. He did not to the managers cabin, after incident. According to him police had not arrived when the manager himself stated in the report to the R.M. that the police had arrived. In view of this contradictory statements I am not inclined to believe the testimony of Shri Baldeo Raj Mehrotra.

20. On the other hand Mahanand Pande has given his affidavit denying the entire incident. The workman has however admitted that on 7-4-75 he had moved an application for leave for 8-4-75 on the ground of his illness but

the said leave was not granted that on that day branch manager had called police but the police did not come to the rescue of the bank manager but to assist his illegal design. In cross examination the workman has admitted that he was posed as assistant cashier on 11-8-70. In cross examination also the workman admitted that on 7-4-75 the bank manager rejected his leave application which later he sanctioned on the persuasion of police. He has also admitted that it was a fact that in connection with granting leave application Shri Harmangal Prasad had come in the bank and alongwith Shri Harmangal Prasad one Kishore Chaturvedi and Ram Lotan had come and they were employee of Central Bank of India Govind Nagar and Shri Ram Lotan Pande was an employee of Punjab National Bank Meston Road Branch. He has however denied that any altercation took place. The next witness examined by the workman on affidavit is Shri Raj Kishore Mishra, who is an employee of the management bank. He deposes that he was not there on 7-4-75 from 10 a.m. to 5 p.m. and that workman did not assault beat abuse or dragged Shri R. K. Chopra manager that day. In cross examination he admits that he had retired now. He has further stated that to his knowledge there was no altercation between Harmangal Prasad and Branch Manager. He however, admits that Shri Ram Lotan Pande of PNB Meston Road Branch had come in the branch for day and he had not listen the talk in the cabin of the manager.

21. Thus from the evidence of the parties it emerges that on 7-4-75 the workman had applied for leave for 8-4-75 which was not granted and that in that connection Harmangal Prasad and Ram Lotan Pande of another branch had come in the chamber of the branch manager and that on that very day police had also come in the premises of the management bank. Admittedly no F.I.R. was lodged of the incident at the police station and the workman or any one was never arrested. It has also come in evidence that branch manager Shri Chopra is distantly related to the Regional Manager of Punjab National Bank Shri S. L. Chopra. As observed earlier the branch manager had written three letters on 8-4-75 one is Ext. M-1 addressed to Regional Manager about violent incident on 7-4-75, this gives details of the incident of 7-4-75 of abusing him dragging him upto the cashiers cabin imploding the arm guard that he had locked the bank gate and admitting that the police came and cash was closed by their intervention. This letter was written after suspending Mahanand Pande. The other letter of the even date i.e. 8-4-75 which speaks suspension addressed to the workman is annexure A of the amended written statement. In this there allegations of abusing and assaulting and there is no mention of dragging and wrongfully confining in cashiers cabin. In another letter Ext. W-1 filed by the workman is letter complaining against Shri Ram Lotan Ext. W-1 though copy to B. N. Meston Road Branch complaining about involvement of Shri Ram Lotan Pande of his branch, in this he has stated about the incident use of vulgar language and abusive language and dragging him upto the hall and physical assault. This letter was sent with a view to take action against Shri Ram Lotan Pande. Thus in the three letters written on the same day, there are three different versions. In the letter addressed to Mahanand Pande workman there is no mention of dragging and wrongful confinement in the letter complaining against Shri Ram Lotan Ext. W-1 though there is mention about dragging upto the cashiers cabin but no mentioned about wrongful confinement there whereas in the third letter to the Regional Manager also there is no mention of wrongful confinement in cashiers cabin, though there is mention about dragging him in the hall. What additional fact is admitted is that police came and the cash was closed by their intervention. In view of the contradictory stand by the branch manager who is not supported by reliable witnesses Baldeo Raj Mehrotra that his name never appeared at any stage in the enquiry proceedings prior to the affidavit here that he had seen the occurrence, possibility can not be ruled out that the letter Ext. M-1 by manager to the Regional Manager was written after deliberations and consultations and it is on that count that there are improvement in this and the letter addressed to the branch manager Meston Road Branch than the facts mentioned in the suspension order annexure A filed alongwith amended written statement. Under these circumstances I am not inclined to believe that the incident of dragging the branch manager in the hall and confining him in the cashiers cabin by the

workman really occurred. It appears that after the refusal of grant of application for leave the workman Harmangal Prasad and Ram Lotan did try to plead the case of the workman or leave which was ultimately allowed when the police had come and the charge of cash was taken and cash was closed for which purpose must they all must have move upto the cashiers chamber. Had there been a conizable offence the police must have intervened and the manager should have lodged the F.I.R. giving the earliest version of the incident.

22. In the above circumstances even the second charge is not established against the workman as observed earlier the workman acquitted honourably on the first charge by the competent criminal court.

23. I have already decided that the workman was not permanent head cashier, merely showing letters addressing the workman as head cashier will not make him head cashier unless it is shown that he was promoted and posted as such. The document discussed earlier are to the effect that he was simply made to officiate as head cashier till permanent arrangement is made. The workman himself has admitted that he was posted as cashier-cum-godown keeper on 11-8-70 and in 1972 the seniority for posting as permanent head cashier was considered as city wise. Having come to the conclusion that the charges against the workman were not proved he is not entitled for any punishment of stoppage of four graded increments having the effect of postponement of these increments in future.

24. I accordingly hold that the action of the management of P.N.B. (Punjab National Bank), Kanpur in imposing punishment of Mahanand Pande Head Cashier Gumti No. 5 Kanpur, the punishment is not justified. The result is that he will be entitled to all further increments.

25. The question of his subsequent transfer to Gorakhpur subsequent to the incident is not question is not here moreover, question of transfer is managements prerogative unless barred by terms and condition of appointment. Regarding question of his reduction of emoluments, it is a matter of wrong knowledge that the post of head cashier carries special allowance he was not degraded but reverted to his substantive post from the officiating post and consequently the special allowance for the post which he was getting while officiating as head cashier could not be given to him. Thus it would be wrong to say that besides punishment of stoppage of four increments he has been given three more punishment i.e. reduction in rank, transfer and reduction in emoluments.

26. I, therefore, hold that the action of the management of Punjab National Bank, Kanpur, in imposing on Shri Mahanand Pande, Head Cashier, Gumti No. 5 Branch, Kanpur, the punishment of stoppage of four increments (graded) having the effect of permanent postponement of these increments in future is not justified and the result is that he will be entitled to all further increments.

27. I therefore, give my award accordingly.

Let six copies of this award be sent to the Government for publication.

Dated : 6-9-85.

R. B. SRIVASTAVA, Presiding Officer  
[No. E-12012/74/78-D II (A)]

का० प्रा० 4804—औद्योगिक विवाद अधिनियम, 1947 (1917 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, नेशनल इन्श्योरेंस कंपनी लि., बम्बई, के प्रबंधन से सम्बन्धित निरीक्षणों और उनके कार्यों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं० 1, बंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18 सितंबर, 1985 को प्राप्त हुआ था।

New Delhi, the 31d October, 1985

S.O. 4804—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the National Insurance Company Limited, Bombay and their workmen, which was received by the Central Government on the 18th September, 1985.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

PRESENT :

Dr. Justice R. D. Tulpule Esqr., Presiding Officer.

Reference No. CGIT-5 of 1985

PARTIES :

Employers in relation to the National Insurance Co Limited, Bombay.

AND

Their Workmen.

APPEARANCES :

For the Employers.— Mr. Talegaonkar, Advocate.

For the Workmen.— Mr. E. V. Chanekar, Advocate.

INDUSTRY : Insurance

STATE : Maharashtra.

Bombay, dated the 6th day of August, 1985

AWARD

This is a reference under Section 10 sub-section 1(d) of the Industrial Disputes Act, read with sub-section 2-A of the said act. It relates to the termination of service of one S. S. Balande, a temporary Assistant with effect from 28th March, 1981 "and not reposting him afterwards in any of the vacancies of the post of Assistant under their Divisional Office, Pune to which he had been allotted as a result of passing the recruitment test and interview held by the Company in the year 1979" and whether it is justified and "if not, to what relief is the workman concerned entitled and from which date."

2. The employee S. S. Balande, hereinafter referred to as employees, has set out the long history at some length of what transpired before his appointment as Assistant for a period of 83 days from 5th January, 1981 to 28th March, 1981. The material portion thereof is only that an advertisement was inserted by the National Insurance Company hereinafter referred to as employer in local papers at Pune on 5th September, 1978 inviting applications for the post of Assistant/Typist in its offices in the region. Accordingly, Balande answered the advertisement and was asked to appear at a written test on 29th November, 1978, which he did. He was then called for an interview by letter dated 2nd January, 1979. On 8th January, according to him, he was selected in that interview. That appears to be so since he was asked to call by letter of 14th March, 1980, on the Senior Divisional Manager on 19th March, 1980. The employee then refers to various offers and correspondence between the National Insurance Company and himself which is really not material for the purposes of the adjudication in the present case.

3. Ultimately, it is his case that on 2nd January, 1981, he was offered an appointment for 83 days only at Goa as an Assistant. His further say is that he was assured orally "by the first party that the second party would be absorbed in the regular vacancy and therefore, the second party left his job of Poona and reported for duties of Assistant at Vasco office of the first party. This he variously describes as understanding, oral assurance and undertaking from him, on the strength of which he gave up his job in Pune and accepted this 83 days employment. Thereafter, pursuant to the correspondence which he had with the National



Insurance Company, he was informed by letter dated 9th October, 1982 that he would be advised for the employment by the Bombay office only, when the case is disposed off by the Supreme Court. He then contends that some 29 candidates who appeared for the test alongwith him have been subsequently given employment, but the employee was not given any such appointment and his temporary services were terminated. In this, he contends that he was victimised and the action of the company was a colourable exercise and was not in good faith. That the employer also issued another advertisement in the *Tirés of India* on 15th March, 1982. His contention is that the termination of his services was illegal and arbitrary and brought about with ulterior motive and is bad since the employer had vacancies in the post of Assistant. He therefore, prayed that he should be reinstated similar to the 29th workmen who were absorbed as Assistant and all reliefs flowing from such appointment should be granted.

4. The employer company filed a statement and contended that this was not an Industrial dispute and the demand was not tenable. It admitted that an advertisement was inserted and a panel of 30 candidates was prepared by the Company's divisional office, Pune. But this was generally before the ban was imposed upon the recruitment by the General Insurance Corporation, arising out of a matter pending in the Supreme Court for rationalisation of pay-scales and other aspects. Upto 1st April, 1980, according to it, candidate upto Sl. No. 29 were appointed. Employee Balande stood at Sl. No. 30 in the said rank-list.

5. In view of the ban, it is the employer's contention that employee Balande was recruited for a period of 83 days only at the Goa Branch of the employer. The branch was opened during that period. Recruitment according to it, has to be according to the recruitment policy laid down by the General Insurance Corporation, though there do not exist any rules and regulations for appointment of temporary staff. The appointment was temporary for a specific period of days and the appointment was accepted by the workman for that period. It naturally came to an end as provided in the terms and conditions of the appointment letter. The employer denied other allegations with regard to the assurance understanding, undertakings, etc., that the employee would be posted at Goa for a period of 3 years.

6. It is the further case of the employer that accordance with the recruitment policy, therefore, recruitment and written tests were conducted in 1982 and reserve lists prepared. The 1980-81 panel was scrapped. The contention of the employer is that the applicant's employment is only for a temporary period and the employment or selection list being valid for a period of one year only, as per the recruitment policy, therefore, fresh applications were called for in 1982. The applicant was selected in 1979 and stood at Sl. No. 30.

7. The facts stated in the aforesaid statement of claim and written statement which are material therefore, are these. The employee in answer to an advertisement applied and was selected and appeared in the list of selected candidates at Sl. No. 30, in 1979. He was not given appointment, but was asked to say whether he would work as a typist and then at Bombay and at other places. Ultimately on 2nd January, 1981, a letter appointing him for a period of 83 days only was issued. The appointment was to take effect from 5th January and continue upto 28th March, 1981. Thereafter, the applicant was not appointed to the post of Assistant, even though Assistant's posts were advertised and filled by the employer company. It is in these circumstances that the question whether firstly the termination of the services of the employee, Balande on 28th March is justified and secondly whether the employer is justified also in not reposting him subsequently in any of the vacancies of the Assistant, even though he passed the recruitment test and interview held in the year 1979.

8. The parties did not lead any oral evidence and prepared upon the basis of these facts to advance their contentions. The letter of appointment dated 2nd January, 1981 which is produced on record is however, admitted. Mr. Ghanekar, learned counsel who appeared on behalf of the employee

raised two coquate contentions before me. Firstly, his contention was that the termination of his services amounted to retrenchment and that S. 25-F and S. 2(00) were attracted. His contention is that the employee must be treated as retrenched in terms of S. 25-F and therefore entitled to be reinstated. His contention is that the employee must be treated as retrenched in terms of S. 25-F and therefore entitled to be reinstated. His contention is that in accordance with section 2(00) "termination by the employer of the service of a workman for any reason whatsoever" is retrenchment. Therefore, his contention is since the employment of the employee was terminated on 28th March, 1981, it constituted retrenchment and the employee's case fell within S. 25-F. Since no retrenchment compensation or notice pay was given to him at the time of termination of the service on 28th March, 1981, he was liable to be reinstated with back-wages.

9. The argument is entirely fallacious. Section 2(00) which defines retrenchment says that such termination becoming retrenchment does not include "(a) voluntary retirement of the workman; or (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or (bb) termination of the service of the workman as a result of the non-renewal of the contract of the employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or (c) termination of the service of a workman on the ground of continued ill-health;" Sub-Section 2(00) clause (bb) was inserted by Act 49 of 1984 which came into force with effect from 18-8-1984. In other words, therefore, a termination in order to constitute a retrenchment, the service of a workman must not be termination of his service "as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein". Now, it will be clearly seen from the letter dated 2nd January, 1981 that the appointment and subsequently termination of the services of the employee Balande falls within this clause. There is no renewal of his contract of employment, on the expiry of the period and the stipulation with regard to that is contained in the contract itself. Letter dated 2nd January, 1981 says in para 2 "Your services will automatically cease on completion of the above period, i.e. with effect from the end of the working day on 28-3-1981 and no notice of such cessation shall be given to you." It is common ground that this appointment and offer was accepted by the employee and endorsed thereupon to that effect.

10. Even if we go to S. 25-F it is clear in my opinion that the employee can not fall within S. 25-F. Section 25-F applies only to those workmen "who have been in continuous service for a period not less than one year under an employer". Therefore, it is not merely enough that there should be termination of the services of an employee, but the employee must be "in continuous service for not less than one year" to take the advantage of S. 25(F). In the present case, the employee worked for less than one year in the National Insurance Corporation. Even if therefore S. 2(00) is not to apply, as termination which constitutes retrenchment, the employee would not be entitled to any advantage of S. 25-F, as he could not be said to have completed one year's continuous service with the employer. The contentions therefore about the application of S. 25-F and also S. 2(00) to the employee must fail. In that case relief under Section 25(H) or its principle also will not apply.

11. The learned counsel for the employee had no other ground or basis on which to claim a right of reinstatement under the Industrial Disputes Act. He relied upon a decision issued in 1961 II LLJ (u.110) (Channore Tannery Ltd. Kanpur Vs. Guha(S) and others). It is plain that only a retrenched employee properly so called is entitled to an offer of a post when a vacancy arises. I fail to see how that decision is of any assistance to him. His contention however, was that of the 30 persons who were selected 29 were appointed by the company and the employee, who was 30th was not appointed. He therefore, contended that there was discrimination. In a reference, no claim on the



ground of discrimination or arbitrariness can be entertained. The employee if so inclined and was so advised ought to have filed a writ petition. The learned counsel was unable to show any right to which he is entitled under any rule of law or Industrial Disputes Act to be reinstated or appointed.

12. I have already referred to the letter dated 2nd January 1981 and the provisions of S. 2(00). In the circumstances, the first part of the reference has to be answered in the affirmative that the employer was justified in non-renewal of the contract of employment made for 83 days. The contract itself stipulated the period and the employer was not bound to extend it for any further period.

13. As regard the latter part of the reference, namely, justification of the action of not reposting him in any of the vacancies of Assistant, as a result of the passing of the recruitment test and interview held in 1979. I am afraid, the answer must also be against the employee and in favour of the employer. There is no right of employment as such under the Industrial Disputes Act or in any law for that matter, to any person merely because he had been selected in a test, to be reinstated or appointed.

14. I have already referred to the letter dated 2nd January, 1981 and the provisions of S. 2(00). In the circumstances, merely because the employee had appeared in the recruitment test and interview and even if he had passed the recruitment test as well as the interview, there is no existing right, nor is there any statutory right in him to be appointed to that post. Besides, as is contended by the employer, the policy of the General Insurance Corporation with reference to which recruitment is governed stipulated that such empanelments and lists would be effective for a period of one year and every year new lists would be made. It is really unfortunate that the employee could not be appointed, as perhaps vacancies which were available stopped at 29 and the employee was unfortunately 30th in the select list. As pointed out however, he has no right to be appointed even if he were at SI. No. 1.

15. The only right which he could have, in such a case exercise is once under article 226 of the Constitution if there was discrimination not by raising an industrial dispute. In the present case, the employee unfortunately stood at SI. No. 30, which was not reached at all. Even if therefore, in the ordinary course, the select list were to be considered, the list was liable to be scrapped in the year 1980. His appointment therefore in the year 1981 was for a few days only, does not confer any right upon him and no rights flow therefrom. Consequently, the reference has to be answered in the negative on both parts and against the workman.

16. Awarded accordingly.

R. D. TUPPILL, Presiding Officer  
[No. 1-17012(5)/84-D, IV(A)]

नई दिल्ली, 3 अक्टूबर 1985

का० आ० 4805.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसूचना में, केन्द्रीय सरकार सेजल परादीप पोतन न्यास के प्रवर्धन में सम्बद्ध नियोजका और उनके कर्मचारों के बीच अनुसूचना में विनिर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, भवनपेश्वर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19 सितम्बर, 1985 को प्राप्त हुआ था।

S.O. 4805.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure in the industrial dispute between the employers in relation to the Paradip Port Trust and their workmen, which was received by the Central Government on the 19th September, 1985.

#### INDUSTRIAL TRIBUNAL, BHUBANESWAR

PRESENT :

Shri K. C. Rath, B.L., Presiding Officer, Industrial Tribunal, Bhubaneswar.

Industrial Dispute Case No. 15 of 1980 (Central)  
Bhubaneswar, the 3rd September, 1985

#### BETWEEN

The employers in relation to the management of Paradip Port Trust, Paradip. First-party

#### AND

Their workmen Second-party

#### APPEARANCES :

Shri A. K. Patnaik, Legal Assistant, Paradip Port Trust—For the first-party

Shri S. K. Bhattacharya, Central Secretary, Paradip Port Workers' Union, Paradip For the second-party

#### AWARD

Dispute referred to by the Central Government for adjudication under Section 7-A, and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, vide Notification No. 1-38012/2/79-D.IV (A) dated 15-11-1980 of the Ministry of Labour reads thus :

"Whether the action of the management of Paradip Port Trust in not counting the service rendered by Shri R. C. Das as Assistant Draftsman from 17-12-62 to 30-9-65 for the purpose of fixation of his seniority in the cadre of senior Draftsman is justified ? If not, to what relief is the concerned workman entitled and from what date ?"

2. First-party employer is the management of Paradip Port Trust, Paradip, whereas the second-party workman was its Assistant Draftsman equivalent to Senior Draftsman in the central cadre from 17-12-1962 till 30-9-1965 when his services were terminated on account of reduction of staff. Subsequent to the retrenchment of his service he was given appointment as Junior Draftsman on 1-10-1965 and was promoted to the rank of Senior Draftsman on 15-2-1974 even though there were senior to him in the cadre of Junior Draftsman. Later on, one Bansidhar Das is said to have been made senior to him in the cadre of Junior Draftsman. The first-party management asserts in his written statement that what was done by it in the matter of seniority is correct. It is immaterial for our purpose as to whether the fixation of seniority between the second-party workman and Shri Bansidhar Das is or is not proper in view of the fact that the reference is not for fixation of seniority as between them but for the justifiability or otherwise of not counting the period from 17-12-1962 to 30-9-1965 for fixation of his seniority in the cadre of Senior Draftsman. The representative appearing on behalf of the second-party also concedes to it and submits that if the period from 17-12-1962 to 30-9-1965 is counted, the second-party workman gets his seniority automatically. He further submits that the second-party workman having been retrenched from the post of Senior Draftsman on account of reduction of staff on 30-9-1965, and he having been absorbed again as Senior Draftsman in 1974, the period of his from 17-12-1962 to 30-9-1965 as Senior Draftsman is to be counted in the matter of fixation of his seniority as per Section 25-H of the Industrial Disputes Act, 1947. As already stated, after the retrenchment from the post of Senior Draftsman on 30-9-1965, the second-party workman was absorbed as Junior Draftsman with effect from 1-10-1965 till 1974 when he was promoted to the rank of Senior Draftsman. Section 25-H of the Industrial Disputes Act, 1947 simply provides that a retrenched candidate should be given preference as and when vacancy to similar post which he was holding previously arises. Nowhere it says that the period previously served should also be counted towards his seniority. That being so, and taking into consideration the fact that the second-party workman accepted the post in the cadre of Junior Draftsman without any protest, I am of the view that he is not entitled to have the period of his service from 17-12-1962 to 30-9-1966 counted for the purpose of fixation of his seniority. Such being my finding the reference must be answered in the affirmative and the second-party workman must fail.

3. In the result, the action of the management of Paradip Port Trust in not counting the service rendered by Shri R. C. Das as Assistant Draftsman from 17-12-62 to 30-9-65 for

the purpose of fixation of his seniority in the cadre of senior Draftsman is justified.

4. The Award is passed accordingly.

Dated : 3-9-1985.

K. C. RATH, Presiding Officer  
[No. L-38012/2/79-D.IV (A)]

का० आ० 4800.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार, परादीप पोतन-न्याय के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19 सितम्बर, 1985 को प्राप्त हुआ था।

S.O. 4806.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar, as shown in the Annexure in the industrial dispute between the employers in relation to the Paradip Port Trust and their workmen, which was received by the Central Government on the 19th September, 1985.

INDUSTRIAL TRIBUNAL, BHUBANESWAR

PRESENT :

Shri K. C. Rath, B.L., Presiding Officer, Industrial Tribunal, Orissa, Bhubaneswar.

Industrial Dispute Case No. 8 of 1981 (Central)

Bhubaneswar, the 3rd September, 1985

BETWEEN

The employers in relation to the management of Paradip Port Trust First-party

AND

Their workmen Second-party

APPEARANCES :

Shri A. K. Pattanaik, Legal Assistant, Paradip Port Trust—for the first-party

Shri S. K. Bhattacharjee, General Secretary, Paradeep Port Workers' Union—for the second-party

AWARD

Dispute referred to by the Central Government under Section 7-A and clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, vide Notification No. L-38012/1/81-D.IV (A), dated 13-8-1985 of the Ministry of Labour reads thus :

"Whether the seniority of Shri A. K. Padhi, in the cadre of Stenographer Grade III, who correctly fixed by the management of Paradip Port Trust on his appointment on a regular basis as Stenographer Gr. III, on the 8th September, 1973 ? If not, to what relief is the concerned workman entitled ?"

2. It is not in dispute and is admitted by both the parties that the second-party workman was appointed as a Lower Division Clerk under the first-party on 13-11-1971. It is also admitted that subsequent thereto he was appointed as Grade III Stenographer on ad-hoc basis on 17-8-1972. It is also admitted that subsequent thereto, he was called upon to appear before the Staff Selection Committee for the post of Grade III Stenographer as requested by him in his application dated 27-1-1973. Of course, it is stated by him that the filing of such an application was the result of coercion by the Assistant Secretary giving threat of reversion from

the post of ad-hoc Stenographer in case of his refusal to appear before the Staff Selection Committee, but it is not acceptable. Whatever that may be, the fact remains that he appeared before the Staff Selection Committee along with some outsiders and ultimately a panel of selected candidates was prepared on 11-4-1973, and therein he was placed in the last position i.e. 10th. It is asserted by him in his written statement that even when the Staff Selection Committee made a panel where the departmental candidates were also impanelled along with outsiders, the departmental candidates would get priority in appointment over the outsiders, whatever be their position in the panel. On behalf of the management, it is stated that there is no such rule in support of what is stated by the second-party workman in the matter of fixation of seniority in a case like the present one. When asked to produce the relevant rules in support of the stand taken by him in the matter of fixation of his seniority, the second-party workman relies on Exts. 15 and 16. On a reading of Ext. 15 it appears that instruction was given by the Chairman in anticipation of Board's approval that arrangement should be made to fill up vacancies by departmental candidates, and in the event of some more posts lying vacant in spite of the filling up of vacancies by the departmental candidates, outsiders are to be appointed. Nothing is produced to show that this instruction of the Chairman was approved by the Board. Ext. 16 is an office note and no reliance can be placed on it. Since the second-party workman contested along with the outsiders in the Staff Selection Committee, he was to be placed according to the result of the examination in the panel of the selected candidates. In the present case it has been so done. Therefore, the grievance of the second-party workman that he was not given preference as a departmental candidate over the outsiders does not appear to be sound, and hence cannot be accepted. Of course, instances are cited to show that two departmental candidates viz., A. Tambasu and B. M. Sahoo were placed above the outsiders in the gradation list even though they were below the outsiders, but those instances cannot be pressed into service in the present case as that was a competition in a combined Departmental Promotion Committee and Staff Selection Committee.

3. In the result, the seniority of Shri A. K. Padhi in the cadre of Stenographer Grade III was correctly fixed by the management of Paradip Port Trust on his appointment on a regular basis as Stenographer Gr. III on the 8th September, 1973.

4. The Award is passed accordingly.

Dated : 3-9-1985.

K. C. RATH, Presiding Officer  
[No. L-38012/1/81-D.IV (A)]

K. J. DYVA PRASAD, Desk Officer

नई दिल्ली 12 अक्टूबर, 1985

का. आ. 4807 —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्र सरकार डिब्बजनल रेलवे मैनेजर नई दिल्ली रेलवे, इलाहाबाद के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16 सितम्बर, 1985 को प्राप्त हुआ था।

New Delhi, the 12th October, 1985

S.O. 4807.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Divisional Railway Manager, Northern Railway, Allahabad, and their workmen which was received by the Central Government on the 16th September, 1985.

Before Shri R. D. Tewari, Presiding Officer, Central Government Industrial Tribunal Kanpur.

Industrial Dispute 59/83

Reference No. L-41011 (3)/81-D-II(B), dt. 13th January, 83

In the matter of dispute between:

Shri Ram Chandra & Others C/o The General Secretary, URKU Allahabad Division, 2 Naveen Market, Kanpur.

AND

1. General Manager, Northern Railway, New Delhi
2. Divisional Railway Manager, Allahabad.
3. Divisional Personnel Officer, N. Rly., Allahabad.

#### APPEARANCE

Shri B.D. Tewari representative for the workmen

Shri B.P. Chauhan representative for the management

#### AWARD

1. The Central Government Ministry of Labour, vide its notification no. L-41011 (3)/81-D-II(B) dt. 13th January, 1983 has referred the following dispute for adjudication:

Whether the stoppage of work of the following 36 workmen from the dates noted against each by the Divisional Railway Manager, Northern Railway Allahabad is justified. If not to what relief the said workmen are entitled?

S.No.	Name & Father's Name	Date
1.	Ram Chandra S/o Pabli	11-1-81
2.	Tulsi Ram S/o Ram Dhani	11-1-81
3.	Shree Poojan S/o Ram Loo	12-4-80
4.	Mohd. Reies S/o Mohd.	8-1-81
5.	Ram Lal S/o Ram Chandra	11-1-81
6.	Munshi Ram S/o Kheloo	31-12-80
7.	Bansi Lal S/o Bishram	31-12-80
8.	Shri Tej B Jha S/o Alodia	11-1-81
9.	Siri Babo Lal S/o Kallu	11-1-81
10.	Gyan Singh son of Ram Kumar	11-1-81
11.	Ram Singh S/o Siraj	11-1-81
12.	Bijai S/o Jagannath	11-1-81
13.	Ram Pal S/o Shiv Bali	11-1-81
14.	Rajendra Prasad S/o Prihi Lal	15-11-80
15.	Ram Bhawan S/o Jodha	11-1-81
16.	Ram Sajwan S/o Matacon	11-1-81
17.	Joot Bahadur Singh son of M.B. Singh	11-1-81
18.	Har Prasad S/o Motai	25-1-79
19.	Mishri Lal S/o Kishankam	6-12-80
20.	Manesh Pr. S/o Fitai	11-12-80
21.	Jagmohan S/o Gobardhan	15-11-80
22.	Ram. Kishore S/o Jloori	31-12-80
23.	Ram Kripal S/o Mahato	31-12-80
24.	Rajaram S/o Sri Bahadur	15-11-80
25.	Ram Sajwan S/o Ram Suchit	8-1-81
26.	Chandra Pal S/o Jaisam	11-1-81
27.	Jagjit Lal S/o Kallu	11-1-81
28.	Pyari Lal S/o Ram Dayal	11-1-81
29.	Ram Asrey S/o Malhar	15-10-80
30.	Sunaj Bali S/o Nankoo Lal	11-1-81
31.	Misari Lal S/o Jloori Lal	11-1-81
32.	Kalyan Singh S/o Chandra Singh	11-1-81

2. Whether the action of the Railway administration in transferring S/Shri G. D. Sharma Head Booking Clerk, 2. D. N. Tewari, Senior Clerk, 3. R. K. Tewari, 4. Mohd Sajid from Kanpur to other places is justified? If not, to what relief the said workmen are entitled?

3. The case of the workmen are that the services of S/Shri Ram Chandra and 31 others were terminated by the employers in various dates as shown in the reference order against their names. The remaining 4 S/Shri G. D. Sharma, R. K. Tewari, Dina Nath and Mohd. Sajid were victimised for lawful union activities and were transferred to various places.

4. It is averred that on 10th January Shri I. D. Amin Divisional Manager Allahabad visited Kanpur Central Station. The workmen mentioned above wanted to meet him with a representation containing grievances of the local employees in the evening of 10th January 81. The DRM neither received the representation nor met the workmen that day but called them on 11-1-81. All the workmen went to meet the DRM on 11-1-81 at about 8.30 in the morning with the memorandum but the DRM refused to accept the memorandum and instead of giving patient hearing challenged the office bearers that they would not be permitted to exercise functions of the trade unionism. The workmen thereafter stayed a demonstration peacefully and non violently, keeping workers at a reasonable distance from DRM but the later treated it as Gherao and got them arrested by the CRP police at the spot. In addition to this police action and prosecution onward DRM took punitive action having serious penal consequences. firstly Shri Ram Chandra and 31 others were penalised with termination of their services from dates noted in annexure A without issuing any notice or paying notice pay and retrenchment compensation and without a permission and information from or to the appropriate Government and refused to take them back in service in utter disregard of provision of section 25C and H of the ID Act.

5. It is further averred that all the workmen whose services were terminated had completed 240 days in the proceeding 12 months and they were temporary employee of the Railway administration. Junior persons of the same status were retained by the railway administration and thus the action of the management was mala fide and with intent to harass the workmen. An endorsement was made to this effect in their service record that they were discharged and were arrested on 11-1-81 for demonstration before DRM Allahabad and for Gheraoing him. The workmen first of all observed step hunger strike and indefinite hunger strike under the banner of the union, before they gave strike notice on form L, the Asstt. Labour Commissioner (Central) Kanpur. They moved their immediate officer also for taking them back on duty. Thus the termination was tantamount to retrenchment void ab initio, and non est. It is further averred by the workmen that it is a case of misuse of powers by transferring four workmen for trade union activities which was a punishment with intent to cause physical and financial hardship to the workmen. The workman have therefore prayed that Ram Chandra alongwith 31 others be reinstated with full back wages and transfers of Shri G. D. Sharma, R. K. Tewari, Dinanth Tewari and Mohd. Sajid be set aside.

6. The management in their written statement raised a preliminary objection that the applicants are not workman under industrial dispute act. On merit it is pleaded that Ram Chandra and 31 others remained absent from duty from 11-1-81 and did not report for duty thereafter. As regards four petitioners namely G. D. Sharma and others they were transferred in the interest of the administration and that the Tribunal has no jurisdiction to look into the transfer orders. It is denied that the said petitioners have been maliciously transferred. It is further averred that when Shri I. D. Amin DRM Allahabad was on official inspection at Kanpur and an unruly mob lead by labour leaders including some of petitioner illegally confined Shri Amin (Gheraoed), when he was in his carriage and prevented him and other persons accompanied him on dates consequently a criminal case was registered at GRP Kanpur under sec. 120 and 121 of the Indian Railway Act and under section 341 of the J.P.G. As regards Ram Chandra and 31 others their services were never terminated but they remained absent from 11-1-81 and regarding the transfer order it is reiterated that the same is administrative order and is not covered under industrial dispute.

7. In the rejoinder on behalf of the workman it is alleged that Ram Chandra and 31 others are all workmen under section 2(s) of the industrial dispute act and includes even dismissed discharged or retrenched persons. The other four persons namely G. D. Sharma and others they are still in service and workmen under the I.D. Act.

8. The workmen denied that they remained absent from duty from 11-1-81 and according to them they had represented against illegal retrenchment of some of the workers in the memorandum which they wanted to submit to the DRM Allahabad and as the DRM refused to accept the memorandum a peaceful demonstration was staged. It is further mentioned that the services of the workmen were terminated after making an endorsement in their service card that they being discharged because they demonstrated before the DRM Allahabad on 11-1-81. Regarding the said transfers it is alleged that they were not transferred in the interest of administration but are mala fide transfers used as punishment against them in utter disregard of the railway rules. The management in reply to the correspondence for cancellation of transfer admitted that the transfer orders were issued in consequence of demonstration against DRM Allahabad and under railway rules. Transfer by way of punishment had been forbidden. It is contended in the rejoinder that the demonstration of the labours to the DRM and it was his duty to listen to the workmen and that he was confronted by the workman on open platform by the workman without any obstruction to any one in performing their duties. It is further contended that the workmen had right to demonstrate against blatant injustice and discriminatory disinclination to the DRM to receive memorandums.

9. The workman has filed a photo copy of the representation of Shri G. D. Sharma Booking Clerk, Kanpur, requesting that his transfer be cancelled besides not treating him as unauthorised occupant of the railway quarter Kanpur and not stopping his selection grade. The management replied to the workman representation wherein it was mentioned that on enquiry it was proved that you were directly involved in the above mentioned illegal gherao of the DRM Allahabad Shri I. D. Amin at Kanpur Central Station on 11-1-81. Your plea that you did not participate in the Gherao is untenable. In another representation by the workman Shri Gurdutt Sharma dated 2nd May, 1982 annexure 3 of the workmen document Shri G. D. Sharma alongwith affidavit mentions as follows : "the administration setting un rebuttable evidence for my being on duty at the relevant time and date of the alleged gherao framed another fresh charges of threatening of gherao of DRM on 10-1-81 which too does not carry even a sparkle of truth in it which has already been conceded by your honour in my personal interview on 20-1-82 and your honour was pleased to pass your orders for transferring me back to Kanpur exonerating me from the charges". For DRM Allahabad one Shri Kamlesh Gupta replied the representation of Shri G. D. Sharma dated 22-5-82 and the reply is dated 26-6-82. In this letter it was mentioned that DRM Allahabad has not conceded his innocence in transferring him back to Kanpur that he should either prove that he had not threatened to participate or did not participate in DRM's Gherao or suffer the consequences.

10. On 5-10-82 Shri Kamlesh Gupta Senior Divisional Commercial Superintendent Northern Railway Allahabad passed the orders. "I have considered your representation dated 12-2-82. In reply to this office memorandum of charges of even number dated 30-1-82, the same is not accepted. I held you guilty of the charges levelled against you vide the memorandum quoted above and have decided to impose upon you penalty of withholding of promotion and accordingly your promotion is withheld for next five years."

11. The workman has further filed document No. 5 which shows that the designation of workman Shri Dina Nath Tewari is Head Parcel Clerk at Kanpur. He was directed by letter dated 14-4-82 to contact him in the office on 17-4-82 in connection with railway week celebration. The workman have further filed photocopy of the indictment with their prosecution under section 120/121 and 341 IPC which ended in their acquittal and those who were prosecuted under section 309 IPC for hunger strike were also acquitted.

12. The workman has filed several letters written by Shri Ram Narain Tripathi, Member of Parliament, to the Railway Minister and DRM Allahabad. He has also filed letter of Shri Ram Prakash Panik M.P. and his reply. It is mentioned that Shri Kedar Pande in his letter on the basis of enquiry, intimated Shri Ram Pyare Panik M.P. that those who had indulged in discipline and had gheraowed the DRM Allahabad they were transferred outside Kanpur and Shri R. K. Tewari was one of them. Similarly Shri R. K. Mishra DRM Allahabad intimated to Shri R. N. Tripathi M.P. that Shri R. K. Tewari was transferred to Toondla on administrative ground in connection with the Gherao of DRM Allahabad. The Last document filed is regarding particulars of the 32 retrenched workmen in which their designation were mentioned as Khalasi and their date of initial appointment is also mentioned in it. Their date of appointment ranges between 1970 to 1978 and they all had worked for more than 240 days.

13. Alongwith statement of claim workmen filed annexures. Annexure A is the copy of the reference order about which he stated that the workman Ram Chandra and 31 other mentioned alongwith him were retrenched without notice, notice pay and retrenchment compensation and without permission of appropriate Government. Regarding statement B and C they are photo copy of the service of casual labours in which it is written as follows :

Discharged for demonstrating and obstructing DRM Allahabad and other persons in performing their lawful duties.

The above order was signed by Assistant Engineer under his seal. Similarly in the other record of the service of casual labours annexure (C) wherein an endorsement is mentioned that arrested by police on 11-1-81 as he gheraowed DRM Allahabad at Kanpur and obstructed in official work. Annexures DEF are letters addressed to the General Manager, Northern Railway, Baroda House, New Delhi by Shri Ram Chandra Tulsu Ram and Sheo Poojan separately and they are all dated 17th May, 1981 in which they all complained that they were casual labour and were ceased to work despite having completed more than 240 days and were not given regular scale. That they all wanted to move their grievances to the DRM Allahabad when he was on inspection tour to Kanpur but they were not allowed to do so and they were sent to jail. Annexure G is letter from DRMs office Allahabad regarding transfer back of Shri Guru Dutt Sharma with reference to his representation dated 17-9-81. In this it is mentioned that on 10-1-81 you threatened DRM to Gherao on your failure to secure an interview with him. No further proof of your direct involvement in the episode is needed.

14. In support of their contention workman Shri Ram Chandra and Dinanath Tewari submitted their affidavit. Shri Ram Chandra has supported his own case as well as his 31 other colleagues workmen. According to him they were workmen as Khalasi under Permanent way Inspector Special Kanpur for more than seven years under him. He corroborates the incident of 11-1-81. According to him when the workmen were released from jail and they came on duty they were not taken on duty by employer. Subsequently they resorted to hunger strike and they were sent to jail.

15. According to him all of them had put in more than 240 days in 12 calendar months and were retrenched without payment of retrenchment compensation as required under section 25F of the ID Act and were not taken back or retrenched according to principle of last come first go and thus management violated the provision of section 25G & H of the ID Act. That the action of the railway administration was based on mala fide and prejudicial ground. Their mala fide is evident from the endorsement made on the service record of the casual labours wherein it was specifically mentioned that dischargee arrested on 12-1-81 for demonstrating before DRM Allahabad and Gheraowed him.

16. In cross examination he has stated that he was not working anywhere after discharge from the railway and that he used to get Rs. 650 as total wages. He further stated that his service from 2-5-74. In 1980 he was working as Ganaman under Rura P.W.I. Special. He alongwith others had come to Kanpur on 10-1-81 for clearing the good shed Kanpur as DRM was to come. He admit that he was arrested on 11-1-81 and was in jail for about 24 hours. He has

denied the management's suggestion that he had gone on 10-1-81 to gherao the DRM. He has deposed that Assistant Engineer one Shri Kamal Verma told him that he will not be sent for medical and for further service and posting unless they obtained order of the DRM for being made permanent and after release he went to his house at Gorakhpur.

17. The other witness on behalf of workman is Shri Dinanath Tewari who was transferred out from Kanpur and is one of the four persons whose name appeared in the second part of the reference and the transfers of the four persons have been challenged by the workmen. He was working as Senior Clerk Parcel in the Parcel Office Kanpur. The deponent Dinanath Tewari has averred that he alongwith 32 workmen are out of employment and not getting pay since 11-1-81 and also that they have no other source of income. He has further averred that he has been transferred maliciously and the order of the transfer is mala fide and is prejudicial as he is an office bearer and active worker of the Uttar Railway Karamchhari Union. The workmen has filed a seniority list dated 1-8-84 wherein name of Shri D. N. Tewari appears in the list at serial no. 12, as a senior parcel clerk which shows that till August, 1984 his name was maintained in the list of senior parcel clerks. The workman representative has also filed circular of DRM Northern Railway Allahabad in no. CLW80 referring to the circular of the Head Quarter Baroda House New Delhi No. 220E/190-11-E-4 dated 22-8-80 which lay down in supersession of any instruction to the contrary in paragraph II as follows; Unauthorised absence upto 3 days and unauthorised absence upto 220 days will not constitute break in the employment of casual labour.

18. On the other hand management has examined Shri R. P. Chowdhary on affidavit who is working as P.W.I. Special he has averred in that Ram Chandra and 31 others remained absent from duty from 11-1-81 and they have not returned for duty after 11-1-81. The record muster roll shows that they worked upto 10-1-81 only. Regarding the other four he deposed that Shri G. D. Sharma and others were transferred in the interest of the railway administration on administrative ground and not by way of punishment. It is further averred that Shri I.D. Amin the then DRM was on tour at Kanpur when an unruly violent mob lead by petitioner and some other self styled leaders Gheraowed him and obstructed him in official performance. On which G.R.P. intervened and a criminal case was registered. For casual labour it is alleged that being their continuous and unauthorised absence their services were came to end automatically.

19. Shri Dinanath in his cross examination admitted that he had filed a case in payment of wages act which was decided in his favour in December and the management have gone in appeal which is still pending. He admits that he was arrested on 11-1-81 and was released on 13-1-81 in the morning and joined the duty on that day i.e. 13-1-81. He has denied having gheraowed DRM Allahabad. He was averting the same being leader of the union and there was no gherao but was a simple demonstration for submission of memorandum to the DRM. He has deposed that he did not receive any transfer order nor was given any transfer order. As after two days sick leave it was not given. He simply stated that one Shri Naval Raj dealing clerk informed that there was verbal order to spare him hence he was not given duty nor he was given any pass on being relieved. He has denied the management suggestion that he has given statement anywhere that he has been relieved and was given pass to proceed on the transferred post. He has further denied the management suggestion that on 13-1-81 he was given transfer order and was given pass to proceed on transferred place. The witness however voluntarily stated that on 13-1-81 under threat of pistol fire he was made to sign certain papers about which he has no knowledge. This is a very serious allegation and if it was so the workman should raised hue and cry and should made representation to the senior officers directly and through union and not sit idle till the date of his deposition. He however, states that simply to harras him for his trade union activities he has not been given work. He has further stated that he objects to going on transfer as the same was being done with intent to victimise and to harras him and it is also an insult to him.

20. The management witness Shri R. P. Chaudhary has stated in cross examination that on 11-1-81 all the 32 casual labours were arrested on the FIR lodged by railway. He has no knowledge when they were released and whether they came to attend duty or not. According to him their services stood terminated as they were casual labour. It may be mentioned here that looking to the circular just referred above the management would have marked for three days and not struck out their name on 11-1-81. He has admitted that on the last page of the casual leave card of Ram Chandra photo copy of which is annexure B the same is signed by Assistant Engineer Shri KBL Verma which he recognised. Similarly the casual leave card of Gyan Singh there is signature of P.W.I. Kanpur. He has clearly stated that the names of 32 casual labours were not shown in muster roll and they were shown as left. Their names should have been struck off from the muster roll only after waiting them for three days and not earlier in view of railway boards circular. He has admitted that no notice pay or notice was given to any of the workmen. He however admits that all the workman had put in more than 240 days service in one year. He has denied that the names of the above 32 workmen were struck off from the rolls as they have demonstrated against DRM Allahabad on his visit at Kanpur. It is also wrong to say that on 11-1-1981 all the above workmen were spared for demonstration against DRM Allahabad and there was no need to give any remark in the muster roll after the demonstration and no action was taken against them for having demonstrated against the DRM Allahabad. He has further stated that he does not remember if the 32 workmen after termination were called to come and join when fresh casual labours were appointed for work. In cross examination he has said that he has no knowledge who signed the transfer orders of the four persons mentioned in the second part of the reference order. He has further stated that he does not know what administrative grounds were there for the transfer of four persons.

21. The endorsement on the casual labour card annexure B of the claim statement and proved by the management witness shows that there is a endorsement on the service card that the workmen were discharge for demonstrating and obstructing DRM Allahabad and other persons in performing their lawful duty. Strange enough the workman Shri Ram Chandra is shown in the service card as present on 14-1-1981. The order under the signature of Shri Verma proved by Shri Chaudhary MW1 leads to one and only inference that the termination of workman Shri Ram Chandra was made for demonstrating against DRM Alld., on 14-1-81 when he went to duty on being released from jail. Similarly in the case of Gyan Singh workman there is an endorsement on 12-1-81 that he had been on rolls upto 10-1-81 by the P.W.I he has further endorsed that arrested by police on 11-1-81 as he had gheraowed DRM Alld. at Kanpur, and obstructed the official work at Kanpur. Strangely enough he has shown to have work on 14-1-81 also.

22. As observed above name of the casual workmen remaining absent for three days unauthorisedly is not to be constituted to be break in the employment of casual labour so their names should have been struck off from the rolls from 11-1-81 as denosed by the management witness. However, the service card of the casual labour annexure A and B shows that they were present on 14-1-81 also and on that day they were discharged from work for demonstrating against the DRM Alld., and obstructing him as well as other persons in performing official duty. In the case of Gyan Singh per annexure C the P.W.I. has endorsed on 12-1-81 that he had been on rolls upto 1981 when the entry therein regarding 14-1-81 also. In his case also as mentioned there is endorsement in card that he was arrested by police as he had gheraowed the DRM Allahabad at Kanpur. This endorsement lend support to the contention of Ram Chandra that after release from the jail they all had gone on duty but they were not given duty and that they were released after remaining in jail for about 24 hours, even if they are taken to be on unauthorised leave on 11, 12 and 13th January, 81 they should have been given duty and not discharge as mentioned in annexure B in the case of Ram Chandra who was not taken on duty. I consequently believe the testimony of workman Shri Ram Chandra on this point.

23. The prosecution could not prove their case u/s 120/121 of the Railway Act and u/s 341 of the IPC against the 32 persons for obstructing DRM in performance of the official duty or having indulged with any unlawful activity of assault or demand consequently all the 32 workmen were acquitted. Thus even if the 32 workmen were absent from duty on 11-1-81 to give memo of grievances and demand to the DRM AId they had not done anything illegal and their names should not have been struck off from the rolls on that account on any of the subsequent date particularly when they appeared on duty within three days of their absence.

24. Now coming to the point of four persons who were referred. Allegedly charging the DRM AId though not admitted by the prosecution witness on the ground that their transfer were administrative ground, the document filed on this point speaks against them and support the contention of the workmen as deposed by workman Sri Dina Nath WWL. First of all it may be mentioned that all the four persons are, namely Shri G.D. Sharma, Dinanath, Shri R.K. Tewari and Mohd. Sajid were transferred soon after the incident either to Vindhyachal, Allahabad and Tonndia. Out of them except Shri G. D. Sharma, the remaining three persons were also arrested by police on 11-1-81 and acquitted after the trial on 28-2-84. Paper No. (2) filed by workman on 9-3-84 shows that he was transferred out from Kanpur and then DRM AId has an act of mercy transferred back to Kanpur, though on enquiry it was proved that he was directly involved in the illegal gherao of DRM AId, on 11-1-81. This document shows that the transfer of Shri G.D. Sharma was not on administrative ground but as sequence of involvement of workmen in the gherao of DRM AId on 11-1-81. Again Shri G.D. Sharma was intimidated by Shri Kamlesh Gupta for DRM Allahabad by letter dt. 26-6-82 paper No. 4 of list dated 9-3-84 where in he was told that the onus of proving his abstinence from holding out threat or participating in gherao of DRM was on him. In the end it is mentioned that he should either prove that he had not threatened to participate in DRM Gherao or should suffer consequences. Similarly document No. 5 of the same list dated 5-3-83 addressed to Shri G.D. Sharma by Senior Divisional Commercial Suptt. Northern Railway Allahabad, that he was held guilty to the charges levelled against him. The then Railway Minister Shri Kedar Pande in reply to letter of Shri Ram Payer Panik, Member of Parliament, intimated that all those who had broken the discipline at the railway station Kanpur were transferred out of Kanpur. Annexure G filed alongwith the claim statement addressed to the workman G.D. Sharma regarding his transfer back to Kanpur he was intimidated by DRMS office wherein it is mentioned that it is evident that your signature do not bear on attendance register even though charge diary indicates your duty schedule as 7.00 hours to 15.00 hours on 11-1-81. On 10-1-81 you threatened DRM to Gherao on your failure to secure an interview with him. No further proof of your direct involvement in the episode is needed. This letter go to show that Gurdutt Sharma was transferred from Kanpur to Vindhyachal soon after the date of incident i.e. 11-1-81, not on administrative ground but simple to victimise him for his involvement in threat to gherao. Similarly workman Shri Dinanath Tewari who appeared in the witness, box R.K. Tewari and Mohd. Sajid were also transferred out from Kanpur. He has admitted that he was released from jail on 13-1-81. He joined duty on 13-1-81 but he did not receive any transfer order as he was never given any such transfer order after 13-1-81 and the petitioner did not working for railway as after two days sick duty was not given to him neither transfer order was shown to him. He has however admitted that dealing clerk Shri Nawal Rai told him that there were verbal orders to spare him and it was on that accented that he was not given duty nor he was given any pass to proceed on transfer. From this it is evident that he too was in the transfer list and it was on that count that no work was taken from him, but he should have been given transfer order alongwith pass to proceed to the place of work to join duty. Though the management suggested that transfer order was given and passes were given to proceed on duty but nothing document has been filed to substantiate the same. Though the workman has admitted that he was asked to sign certain papers on 13-1-81.

25. The workman has filed seniority list dated 1-8-84 in which his name appears at page No. 2 as Senior Parcel clerk at Kanpur. Had he been transferred out his name would have been struck off from this list. However, even this transfer

was there that could not be on administrative ground as sequence to incident of 11-1-81 in which he was arrested and later acquitted.

26. The workman fully denied the ruling of the Gauhati High Court reported in 1973 lab IC page 382 Briresh Chaudar Versus Divisional Superintendent NER and others wherein it was held;

Hence wherein order of transfer of an employee from one place to another is passed pending a criminal proceedings against him, the order cannot be given effect to until finalization of those proceedings or of any departmental proceedings that may be initiated against him in connection with the incident.

27. The representative for the management has drawn my attention to the Railway Establishment Manual Chapter VII under head as Penalty. It lays down as follows :

That imposition of penalty of transfer for the particular fault is not in order. This rule equally applies in case of transfer of running staff one link to another and also to any other case.

28. In Dr. P. Damodaran Vs. State of Kerala 1982(i) SLR 503 Kerala decided on 4-9-81 wherein it was held.

Transfer mala fide exercise of power which means a fraud on powers as measure of punishment the order of transfer is bad. The same amounts to abuse of power order liable to be quashed.

29. In these circumstances and in view of the law discussed there being ample evidence on record discussed above that the four workman namely S/Shri G.D. Sharma, R.K. Tewari, Dinanath Tewari and Mohd. Sajid were transferred on the count of their involvement in Gherao of DRM Allahabad as alleged soon after the incident of 11-1-81 is nothing but abuse to the power of transfer and the same is liable to be quashed though the management calls it as transfer on administrative ground.

30. Now, coming to the case of S/Shri Ram Chandra and 31 others. It has been admitted by the management witness that the workmen had put more than 240 days of work with breaks in one year. The service card of the casual labour annexures B and C filed on behalf of the workman also show that those two workmen had put in more than 240 days work prior to 11-1-81. In railway establishment manual rule 2501 Chapter 25 of the IREM wherein it is laid down that a casual labour is to be treated as temporary workmen if he has put in continuous service on the same type of work for six months, therefore, if a person belonging to the category of casual labour employed in construction work other than work charge project renders six months continuous service without a break, by the operation of statutory rule the person would be treated as temporary railway servant after the expiry of six months of continuous employment. A temporary railway servant is entitled to scale rate of pay and is entitled to retrenchment compensation if terminated. In Sunder Money's case of 1976 it has been laid down that the termination for any reason what soever would be retrenchment and would contravene the provision of sec. 25 of the I.D. Act if the workman had been in continuous service for one year. Admittedly no retrenchment compensation or notice pay was given to these 32 workmen so called casual labour who by operation of law has become temporary employee. The termination would be illegal and void ab initio with the result that they will be deemed to be continuing in service and entitled to be full back wages. I am fortified in above view by law laid down in Rober De-souza Versus Executive Engineer Southern Railway, S.C.C. page 126.

31. In Mohan Lal Versus B.E.L. 1981 SC Cases page 478, wherein it was held :

In case of illegal termination service, workman is deemed to be in continuing service and is entitled to reinstatement with full back wages

32. I accordingly hold that the termination of the services of S/Shri Ram Chandra and 31 others mentioned in the first part of the schedule in the reference order is not justified. The result is that they should be taken back in service at the respective places on the previous post and should be paid full back wages to which they are legally entitled.



33. As regards the second part of the reference order relating to S/Shri G.D. Sharma, R.K. Tewari, D.N. Tewari and Mohd. Sajid, even though they had been transferred back to their original place except Shri D.N. Tewari, the transfer order not having been found to be on administrative ground for want of evidence to that effect and found to have been passed on the ground of their involvement in Gherao of the DRM Allahabad on 11-1-81 is also illegal as the order is abuse of the power for extraneous consideration. I am supported in my above view also by law laid down in N.N. Singh and others Vs. General Manager Chitrangan Locomotive Works 1973 (i) SLR page 1153 Calcutta High Court wherein it is held :

Court is competent to enquire and satisfied to its own judgment if order of transfer has been passed for other purposes in the garb of ostensible purposes. The court of law in such cases has thought it fit and competent for itself to probe in and scrutinise such orders to see if they have been passed for other purpose under colourable exercise of powers or if such orders are accordingly mala fide. The administrative orders not otherwise justiciable, thus come under court's scrutiny if there are allegations of mala fide or colourable exercise of powers behind such orders even though they are free from violation of any constitutional or statutory provisions.

34. I accordingly hold that the transfer of the above four persons namely S/Shri G.D. Sharma, R.K. Tewari, D.N. Tewari and Mohd Sajid, from Kanpur to other places is not justified. They will resume their duties at their respective posts prior to 11-1-81 at Kanpur or will be posted back to Kanpur and would be paid other remunerations if not already paid for the period after 11-1-81.

35. I, therefore, give my award accordingly.

36. Let 6 copies of this Award be sent to the Government for publication.

Dt. 6-9-85.

Sd/-

R.B. SRIVASTAVA, Presiding Officer  
[No. L-41011(23)/81-D. II (B)]

नई दिल्ली 3 अक्टूबर 1985

का० आ० 4808—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, जैसर्स सिंगरेनी कोलियरीज कं० लि० रामा कृष्णपुरम ज़ि० अदीलाबाद के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19 सितंबर, 1985 को प्राप्त हुआ था।

New Delhi, the 3rd October, 1985

S.O. 4808.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Singareni Collieries Company Limited, Ramakrishnapur, Adilabad Distt. and their workmen, which was received by the Central Government on the 16th September, 1985.

BEFORE THE INDUSTRIAL TRIBUNAL (C) AT HYDERABAD

Industrial Dispute No. 16 of 1984

PRESENT :

Sri J. Venugopala Rao, Industrial Tribunal.

BETWEEN

The Workmen of Singareni Collieries Company Limited Ramakrishnapur, Adilabad District (AP).

AND

The Management of M/s. Singareni Collieries Company Limited, Ramakrishnapur, Adilabad (Dist. AP).

#### APPEARANCES :

- (1) S/Sri A. K. Jayaprakash Rao and P. Damodar Reddy Advocates—for the Workmen.
- (2) Sri K. Srinivasa Murthy, Miss. G. Sudha, and Sri H. K. Saigal, Advocates—for the Management.

#### AWARD

The Government of India, Ministry of Labour by its letter No. L-2611/26/83-D. III(B), dt. 28-2-1984 have referred to this Tribunal an Industrial Dispute existing between the Workmen of Singareni Collieries Company Limited, Ramakrishnapur, Adilabad District and their Management under Section 10(1)(d) of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947) for adjudication with the following issues framed :—

#### ANNEXURE

"Whether the action of the Management of Messrs. Singareni Collieries Company Limited in denying payment of officiating allowance and confirmation to Sri G. Hariharan, Clerk Grade I as Pit Office Assistant, is justified?

If not to what relief is the workman concerned entitled".

After the receipt of the reference, notices were issued to the parties. The workmen were directed to file their Claims Statement on 28-3-1984 while serving a copy of it on the Management. On 28-3-1984, the Workmen and their Secretary were called absent. Management was also called absent and the dispute was called on 7-4-1984. On 7-4-1984 the Workmen filed their Claims Statement and the dispute was posted on 30-4-1984 for counter of the Management. On 30-4-1984 parties were called absent. Powers were awaited and the dispute was adjourned to 19-5-1984. On 19-5-1984 powers were awaited and it was called on 7-6-1984. On 7-6-1984 powers were awaited and it was adjourned to 21-6-1984 and from 21-6-1984 to 4-7-1984, again to 19-7-1984. On 19-7-1984 powers were conferred by the Government of India. The Management did not file its counter on 19-7-1984 and time was finally extended till 24-7-1984. Counter was not filed on 24-7-1984 and the dispute was adjourned to 30-7-1984. On 30-7-1984, the Management filed its counter and the dispute was noted on 21-8-84 for enquiry. Again there was a change if the officer and the dispute was adjourned to 15-9-1984, 5-11-1984. From 5-11-1984, the dispute was adjourned to 22-11-1984 from 22-11-1984 to 15-12-1984 and from 15-12-1984 to 25-1-1985. On 25-1-1985 the counsel for the Workmen and Management were present. Miss G. Sudha Counsel for the Management stated that a compromise has been arrived at between the Workmen and Management of S.C. Co. Ltd. Ramakrishnapur, Adilabad. She has also filed a copy of letter dated 23-1-1985 addressed by the Workman to his Counsel. The dispute was adjourned to 13-2-1985 for recording the compromise. On 13-2-1985 the counsel for the Management was present and the Counsel for the Workman sought time for verification of the compromise and the dispute was adjourned to 19-3-1985. On 16-4-1985, the Counsel for the Management represented that the Management as well as the workman entered into a settlement and is in the process of issuing payslip correcting the workers emoluments properly by the Accounts Department. The concerned workman was present on this date, and submitted that the settlement is not honoured and that confirmation which is sought by him as Pit Office Assistant is not accepted by the Management and therefore he was not bound by the settlement on which his signature was taken by the Management. Hence the dispute was adjourned to 20-5-1985 for enquiry. On 20-5-1985, it was represented that the Counsel for the workman is out of station and adjournment was sought for. The dispute was again adjourned to 14-6-1985. On 14-6-1985, the Workman was represented by another Advocate and the Management counsel present and sought adjournment. It was finally adjourned to 1-7-1985 for enquiry. On 1-7-1985 the workman sought for production of certain documents by the Management and the petition filed by the workman was allowed with a direction to the Management for filing documents as required by the Workman. The dispute was adjourned to 12-8-1985. On 12-8-1985, the counsel for the Workman and Management were present and Sri G. Hariharan, Workman was also present in person and the workman mentioned that the matter is

settled amicably out of court and the same is also accepted by him as true and correct and also filed the terms of settlement in the Court. The said compromise is recorded and an award is passed in terms of settlement. A copy of the settlement filed by the parties is annexed to this Award.

Dictated to the Typist, and corrected by me and given under my hand and the seal of this Tribunal this the 12th day of August, 1985.

Sd/-

#### INDUSTRIAL TRIBUNAL

##### Appendix of Evidence

No oral and documentary evidence adduced on either side.

#### ANNEXURE

Compromise of the parties dated 25-1-1985.

J. VENUGOPALA RAO, Industrial Tribunal  
[No. L-22011/26/83-D. III(B)]

HARI SINGH, Desk Officer

Memorandum of settlement arrived at under section 18(1) of the Industrial Disputes Act, 1947, between the Management of Singareni Collieries Company Limited, MM & RKP area and Shri G. Hariharan, clerk grade, I, Ramakrishnapur Division, I, on 25-1-1985 at the Office of the General Manager, Mandamari & Ramakrishnapur Area.

#### PARTIES PRESENT

- |  |   |
|--|---|
| Representing Management.   | Representing workman  |
| 1. Shri B. P. Pai,<br>General Manager,<br>MM & RKP Area.             | 1. Shri G. Hariharan,<br>Clerk Grade-I,<br>Ramakrishnapur Division-I. |
| 2. Shri K. N. Kalyana Raman,<br>Personnel Manager,<br>MM & RKP Area. |   |

Shri G. Hariharan, Clerk Grade-I, Ramakrishnapur Division-I, raised a dispute claiming that he had acted as Pit Office Assistant at the Office of the Additional Chief Mining Engineer, Ramakrishnapur Division-I, demanding payment of officiating allowance from 1-2-1976 to 8-8-1980 and from 1-5-1982 to 23-4-1983 and confirmation as Pit Office Assistant. Since the Management could not agree to confirm Shri G. Hariharan as Pit Office Assistant as he was not possessing the requisite qualification for the post of Pit Office Assistant, the Conciliation Proceedings before the Asst. Labour Commissioner (Central), ended in failure and it was referred for adjudication to the Industrial Tribunal (Central), Hyderabad and it has been taken up as Industrial Dispute No. 16 of 1984.

The reference by the Central Government to the Industrial Tribunal is as follows :

"Whether the action of the Management of Messrs. Singareni Collieries Company Limited, in denying payment of Officiating Allowance and confirmation to Shri G. Hariharan, Clerk Grade-I, as Pit Office Assistant, is justified? If not, to what relief is the workman concerned entitled?"

This issue was further discussed between the parties on 25-1-1985 and the following settlement has been arrived at in the interest of maintaining cordial employer employee relations.

#### TERMS OF SETTLEMENT

The Management agrees to pay officiating allowance to Shri G. Hariharan, for the period from 1-2-1976 to 8-8-1980 and from 1-5-1982 to 23-4-1983 when a Pit Office Assistant was

posted at the Office of the Addl. Chief Mining Engineer, Ramakrishnapur Division-I and was either transferred from that Office or was on leave.

With the above offer by the Management, Shri G. Hariharan, agrees to treat his demands as fully met with and close the dispute.

Both the parties agree to file copies of this Settlement before the Industrial Tribunal (Central), Hyderabad.

#### Signatures of Parties.

Representing Management.	Representing workman.
(1) Sd/-	(1) Sd/-
(B.P. PAI)	(G. HARIHARAN)
General Manager,	Clerk Grade-I,
MM & RKP.	RKP-I.

(2) Sd/-
(K. N. KALYANA RAMAN,)
Personnel Manager,
MM & RKP.
WITNESSES :

(1) Sd/-
(R. NARASIMHA REDDY)
UP. O. MM & RKP.
(2) Sd/-
(REVATI).
Clerk, O/o PM., MM & RKP.
Dated : 25-1-1985.
Place : Kalyanikhami (P.O.).

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL).  
AT HYDERABAD

J.D. No. 16 of 1984

BETWEEN

Shri G. Hariharan Petitioner.

AND

The Management of,  
Singareni Collieries Co. Ltd.,  
Ramakrishnapur Division.

—Respondent.

—Respondent.

Rejoinder filed by the

Filed on 12-8-85

Filed By : Counsel for

—Respondent

M/s. K. Srinivasa Murthy,

G. Sudha.

H. K. Saigal.

Counsel for the Respondent/Management.

नई दिल्ली, 4 अक्टूबर, 1985

का० घा० 4809.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नस्टर्न कोलफील्ड लि० के प्रबंधन से सम्बन्धित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं० 2, बम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16 सितम्बर, 85 को प्राप्त हुआ था।

New Delhi, the 4th October, 1985

S.O. 4809.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Bombay, as shown in the Annexure, in the industrial dispute between the employers in relation to the



management of Western Coalfields Limited, and their workmen, which was received by the Central Government on the 16th September, 1985.

## (ANNEXURE)

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

## PRESENT :

Shri M. A. Deshpande, Presiding Officer.

Reference No. CGIT-2/1 of 1985

## PARTIES :

Employers in relation to the management of Western Coalfields Limited,

AND

Their Workmen.

## APPEARANCES :

For the Employers—Shri R. Menon, Advocate, 2. Shri P. G. Jhagirdar, Sr. Personnel Officer.

For the Workmen—Shri M. S. Udeshi, Advocate.

INDUSTRY : Coal Mines STATE : Maharashtra

Bombay, the 30th August, 1985

## AWARD

By their Order No. L-22012(21)/84-D.V dated 13-12-1984 the following dispute has been referred for adjudication under Section 10(1)(d) of the Industrial Disputes Act on receipt of the failure of conciliation report of the Conciliation Officer :—

"Whether the management M/s. Western Coalfields Limited in Rajur Colliery under sub-Area No. 1 P.O. Rajur, Distt. Yeotmal is justified in terminating with effect from 9-4-83 the services of the workman Shri Y. N. Pandey, Shot Firer ? If not, to what relief the said workman is entitled ?"

2. The award was required to be passed within three months from the date of reference but in this case because the workman was required to be sent for medical examination by the Medical Officer, Mental Hospital, Nagpur to which a reference would be made shortly, the time limit could not be adhered to.

3. The workman Shri Yogesh Narayan Pandey, admittedly was working as Shot-firer in Rajur Colliery for more than 12 years. He joined the Majri colliery as a Driller in August, 1970 and after his passing Mining Sirdar examination in 1980 he was transferred to Rajur Colliery as Shot-firer where he continued to work till date of termination of his service under Project Officer's order dated 7/9-4-1983. The contention of the workman is that his record was absolutely clean and his attendance was also satisfactory and he was receiving salary regularly. It is alleged that the order issued by the Project Officer terminating the services of the workman since he was not the competent authority was bad and illegal and therefore inoperative. It is further contended that the Medical Officers on the strength of whose report the service of the workman was terminated, were not specialised in the field of mental disease and that no reliance can be placed thereon nor can it be held that the workman was unfit to perform his duties. Lastly it is alleged that on account of his demand for promotion he has fallen prey to the vindictive action.

4. The management has refuted all these allegations and contended that the Project Officer who terminated the services of the workman was competent to terminate the service of workman, he having found that the workman was not fit to perform the duties of Shot-firer, one of whose duties was to handle explosives and fire shots. It is alleged that having found that the workman was suffering from mental illness, he was relieved of the duties of Shot-firer and was given the work of a Chowkidar but that work also though of simple nature could not be performed by the workman and therefore the management had no option but to terminate the services.

5. The parties have also filed rejoinder reiterating their respective contentions and therefore no separate reference is necessary. In the rejoinder of the management one factor has been further stressed that had the management allowed the workman to continue to work in the mine despite his mental ill-health the authorities would have rendered themselves vulnerable to prosecution under the Mines Act.

6. On the above pleadings the following issues arise for determination and my findings thereon are :—

## ISSUES

## FINDINGS

- |   |               |
|---|---------------|
| 1. Whether the termination of the services of the workman Shri V. N. Pandey on the ground that he was mentally unfit was proper and justified ? | No            |
| 2. Whether the termination was brought about by the competent authority ?   | Yes           |
| 3. Is the workman entitled to any relief ?  | Yes           |
| 4. What award ?   | As per order. |

## REASONS

7. The fact that the workman was in the service of the collieries for about 12 years is not disputed. Similarly, the fact that his services stood terminated by order dated 7/9-4-1983 issued by the Project Officer, Rajur Colliery. In his order dated 7/9-4-1983 the Project Officer, Rajur Colliery contends that the workman was found medically unfit for performing the duties and therefore his services were terminated with immediate effect. The workman was advised to collect full and final dues from the office and lastly it is stated that the order was issued with the approval of the Competent Authority.

8. Now in order to strike at the root the case of the workman is that the Project Officer could not have brought to an end his service, he being not the competent authority nor the appointing authority. However, it seems that the Project Officer as stated in the order itself had obtained the approval of his superior which statement of fact there is no reason to disbelieve and secondly, as seen from Ex. M-9 dated 2-2-1980, the General Manager, Wardha Valley delegated all the powers regarding disciplinary action to the Project Officer, Rajur Colliery and when the Project Officer could dismiss a workman under the rules, the larger includes smaller, and he shall also be deemed to be empowered to sever the relationship of Employer-employee. On these dual grounds therefore I reject the contention raised by the workman.

9. On 17-3-1983 the workman Shri Yogesh Narayan Pandey was examined by the Medical Board who found the workman to be suffering from depressive Psychosis. The Board advised treatment at mental hospital, Nagpur and further stated that he is unfit for his duties as he may prove dangerous to himself and others.

10. It seems from Ex. M-2 dated 13-11-1983 that the workman made representation to the Sub-Area Manager against the Board's finding and accordingly he was examined by the Area Medical Board on 19-11-1983 which Board agreed with the decision of the Sub-Area Medical Board dated 17-3-1983 and certified the workman to be unfit for duties. In all probability this led to the action by the Project Officer dated 9-4-1983. In the meanwhile by Ex. M-4 the workman had made a request that his son be appointed in the collieries and accordingly he was offered a job Ex. M-5 dated 16-1-1984 but Ex. M-6 dated 27-2-1984 indicates that Shri Brijesh S/o Yogesh Pandey failed to accept the offer and therefore the same had to be cancelled. However this offer which proved to be infructuous could not swing the balance one way or other nor the satisfactory work of the workman in the past as seen from Ex. W-1, nor Sirdar's certificate dated 7-5-1980 Ex. W-2 could be of any use for concluding that before the mental illness when the workman was working, his performance was satisfactory and he successfully passed the examination held for Sirdar's post under the Coal Mines regulations. But the fact remains that in the year 1983 he was found suffering from mental illness.

11. Since the medical certificate is the base for termination, the first point for consideration would be whether the severance of relationship amounts to retrenchment as defined under Section 2(oo) of the Industrial Disputes Act where it means the termination for any reason whatsoever but does not include termination of the service of a workman on the ground of continued ill-health. In *Imperial Tobacco Co. of India V. Ethiraj S.* a case decided by the Labour Appellate Tribunal of India reported in 1954 (II), LLJ, page 637 it was held that permission to discharge the services of a workman found mentally deranged after long sickness must be granted and termination on this ground shall not cause any retrenchment compensation. Normally therefore when Section 2(oo) of the Industrial Disputes Act excludes the termination on the ground of continued ill-health from its operation, the workman would not have been entitled to any relief. There are however certain salient features.

12. From Ex. M-1 we find that the Sub-Area Board by their report dated 17-3-1983 advised the workman treatment at Mental Hospital Nagpur but we do not find any such steps taken by the management. The Area Medical Board before whom the patient appeared on 19-11-1983 by certificate dated 22-11-1983 agreed with the decision of the Sub-Area Medical Board meaning thereby that the Area Board also found treatment in the Mental Hospital necessary. In this connection Dr. K. Devi Prasad, Senior Medical Officer who examined the workman on 17-3-1983 in his deposition admits to have advised treatment in the Mental Hospital and in the cross-examination admitted that treatment for such disease could only be given in the Mental Hospital. He also admitted that it was the duty of the management for arranging treatment and by such treatment there was likelihood of the patient being cured and becoming fit for his duties. In his report dated 24-3-1984 at Ex. W4, the Conciliation Officer before whom abstract of Medical Attendance Rules of C.I.L. was produced stated that these rules are applicable to the workman and provided for reimbursement of medical expenses on account of treatment of mental disorders for the duration of six months. This indicates that there is force in the grievance raised by the workman that without taking steps for his treatment he was sent home. In para 11 of the Conciliation report even the Conciliation Officer has pointed out that the management carries an obligation to grant leave and refer the case to the Mental Hospital for treatment. This is based on the Medical Attendance Rules of C.I.L. which were produced before him. Therefore merely because on a given date, the workman who was in the service of the Colliery for about 12 years was found to be unfit to perform his duties, the extreme action of terminating the service should not have been taken but as in the case of other illness, a patient suffering from mental illness should have been given opportunity for taking treatment and getting himself cured. This was more necessary because the illness was mental illness when the patient may not be in a position to perform normal activities. On receipt of the order of reference, therefore, in order to ascertain the present mental condition of the workman he was ordered to be sent to the Mental Hospital and have examination and report vide order dated

19-4-1985 and from the certificate Ex. W-3 dated 16-5-1985 we find that the Medical Superintendent, Mental Hospital, Nagpur who is an expert in treating mentally ill patients certified the workman to be within the normal limits and fit to resume his duties for Coal Mine job. In these circumstances therefore though strictly speaking the termination cannot be said to be retrenchment being on the ground of mental ill-health, still considering the fact that the management failed to send the patient to the Mental Hospital and further considering that in the month of May, 1985 at least the workman was found fit to resume duty for coal mine job, I hold that the action of the management in terminating the services cannot be said to be justified and the workman therefore is entitled to the relief as stated below :—

13. Normally once the action is found to be unjustified the workman is entitled to reinstatement with full back wages but in this case till the workman was examined by the Medical Superintendent, Mental Hospital, Nagpur on 16th May, 1985, there is no proof of his mental capacity and proof of his fitness to continue to work. It is true that the recovery must not have been all of a sudden but must be a gradual process. Yet in the absence of better proof as to when the workman recovered completely, the date of examination by the Medical Superintendent, Mental Hospital, Nagpur must form the basis for the relief. Since the workman is entitled to the leave as appointed out by the Conciliation Officer, all the period from the termination of service by order dated 9th April, 1983 till 16th May, 1985 will have to be treated as sick leave without pay. As there is no proof of the fitness of the workman till 16th May, 1985, the workman shall be reinstated in service from that date and shall not be entitled to any back wages till 16th May, 1985. He shall be entitled to full wages from the said time. The management however is directed not to appoint him as a Shot-firer unless and until his periodical medical examination done every three months for a period of two years revealed his mental capacity to perform the job of handling the explosives, till then he shall be given surface duties for example as Chowkidar or such similar duties. The workman shall present himself for periodical medical examination every quarter before the Sub-Area Medical Board who shall issue certificate as he may deem fit on such examination. On the basis of certificate for a period of two years the management may take further action. The workman shall be entitled to continuous service though the intervening period is being treated as leave without wages, but shall not be entitled to any increment for the intervening period. He shall be eligible for such increment on successful performance of his duties after one year of resumption. If there is difference in the salary between the post of Shot-firer and Chowkidar, from 16th May, 1985 the workman shall get the salary of Chowkidar which he was drawing on the date of termination.

Award accordingly.

M. A. DESHPANDE, Presiding Officer

[No. L-22012(21)/85-D. V]

A. V. S. SARMA, Desk Officer